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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1304.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF CIDER VINEGAR.

On September 10, 1910, the United States Attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 33 barrels of vinegar in the possession of J. H. Merrill Co., Ottumwa, Iowa. The product was labeled: "Prussing Brothers Pure Cider Vinegar 49 Gallons 40 grains Chicago, Ill. Mills Montague, Mich."

An analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results:

Solids (grams per 100 cc)-----	1.94
Nonsugar solids (grams per 100 cc)-----	.93
Reducing sugar as invert (grams per 100 cc)-----	1.01
Ash (grams per 100 cc)-----	.3
Soluble phosphoric acid (mg per 100 cc)-----	17.35
Insoluble phosphoric acid (mg per 100 cc)-----	7.47
Total acid, as acetic (grams per 100 cc)-----	4.09
Volatile acid, as acetic (grams per 100 cc)-----	4.08
Fixed acid, as malic (grams per 100 cc)-----	.006
Alcohol precipitate (grams per 100 cc)-----	.2
Pentosans (grams per 100 cc)-----	1.09
Alkalinity of soluble ash (cc N/10 acid)-----	32.00
Lead precipitate -----	Fairly heavy
Color in degrees on 0.5 inch brewer's scale-----	6.5
Color removed by fuller's earth (per cent)-----	60.00
Per cent of sugar in solids-----	52.00
Polarization, direct-----	°V-1.2

The libel alleged that the vinegar, after shipment by Prussing Bros., Montague, Mich., from the State of Michigan into the State of Iowa, remained in the original unbroken packages, and was adulterated and misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Adulteration was alleged for the reason that a substance, to wit, a dilute solution of acetic acid and a foreign substance high in reducing

sugar, had been mixed and packed with the real article so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted wholly or in part therefor. Misbranding was alleged for the reason that the product was represented to be a pure cider vinegar, when in fact it was not, but was a mixture of a dilute solution of acetic acid and a foreign substance high in reducing sugars, prepared in imitation of cider vinegar, and the representation on the label was therefore false and misleading and calculated to deceive and mislead the purchaser.

On April 6, 1911, the case coming on for hearing, the court found the product adulterated and misbranded as alleged in the libel and entered a decree condemning and forfeiting it to the United States, and ordering its destruction by the marshal, but with a proviso that it might be released to claimants upon the payment by them of all costs and the execution of a bond in the sum of \$500, conditioned that the property should not be again sold or disposed of contrary to law.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 24, 1912.

1304



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1305.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF OLIVE OIL.

On April 24, 1911, the United States Attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of two cases of canned table oil, 5 one-gallon cans and 3 one-gallon cans, in the possession of Frank Barbara, Starkville, Colo. The product was labeled: (On shipping case) "Olio Insalata Extra Fino"; (on retail containers) "Olio Finissimo La Stella D'Italia Brand, Extra Quality Qualita Sublime Marca Depositata." In addition, the cans bore the representation of a five-point star and in the lower right hand corner appeared in minute type the following label: "(A compound) Winter Pressed Cotton Salad Oil. Flavored with pure Italian Olive Oil in compliance with the pure food law."

Analysis of a sample of said product by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: Index of refraction at 25° C., 1.4708; iodin number 110.1; Halphen test for cottonseed oil, positive and strong; sesame oil test, negative. The libel alleged that the oil, after shipment from the State of New York into the State of Colorado, remained in the original unbroken packages and was misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Misbranding was alleged in the libel against said product as follows: That all said cases were and are misbranded within the meaning of the aforesaid act, in that the words "Olio Insalate Extra Fino" and meaning "Extra Fine Salad Oil" thereon were and are misleading and deceptive and tending to deceive and mislead Italian and other purchasers into believing that said oil was and is a superfine olive oil, whereas, in fact, said oil was and is not olive oil but an inferior cottonseed oil. That all said cans of oil were and are misbranded and mislabeled within the meaning of the aforesaid act in that the statements on the principal label, as set forth in paragraph II, printed in the Italian

and English languages on a background of red, white, and green, the national colors of Italy, and in words as follows, to wit: "Olio Finissimo Extra Quality Qualita sublime La Stella D'Italia Brand Marca Depositata." were and are intended to deceive and mislead Italian and other purchasers into believing that said oil was and is a superfine olive oil, whereas in truth and fact said oil was and is not olive oil at all, but, instead, was and is inferior cottonseed oil; that said label on said case was and is deceptive and misleading, in that the information as to the mixture and compound of the said oil in the following words to wit: "(A compound) Winter Pressed Cotton Salad Oil. Flavored with pure Italian Olive Oil in compliance with the pure food law." was and is not displayed conspicuously and was and is not part of the principal label but instead was and is placed at the very bottom portion of said label and was and is printed in very minute and insignificant type and much smaller than "8-point (brevier)" capitals, as required by Regulation 17 (c) for the enforcement of the Food and Drugs Act, as adopted by the Departments of Agriculture, Treasury, and Commerce and Labor; that compound clause was and is deceptive and misleading in that it was and is written and worded and so arranged as to lead Italian and other purchasers into believing that said oil was and is a pure Italian olive oil and as such conformed to the pure food law, whereas, in fact, the said oil was and is not olive oil but an inferior grade of cottonseed oil. That all said cans of oil were and are misbranded and mislabeled in that the name of the place of manufacture or production of said mixture or compound sold under the distinctive name "La Stella D'Italia Brand" does not appear on said label, as required by Regulation 17 (b) for the enforcement of the Food and Drugs Act and adopted by the Departments of Agriculture, Treasury, and Commerce and Labor.

On May 25, 1911, the case coming on for hearing and no one having appeared as claimant, a decree pro confesso was entered, finding the product misbranded as alleged in the libel and condemning and forfeiting it to the United States and ordering it to be sold by the marshal.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 22, 1912.

1305



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1306.

(Given pursuant to section 4 of the Food and Drugs Act.)

ALLEGED ADULTERATION AND MISBRANDING OF VANILLA TONKA AND COMPOUND.

On February 23, 1910, the United States Attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of three barrels of vanilla and tonka compound in the possession of the Creamery Dairy Co., San Antonio, Tex. The product was labeled: "Vanilla Tonka and Compound—Made by the Hudson Manufacturing Company, Chicago, U. S. A. Guaranteed under the Food and Drugs Act, June 30, 1906."

Analysis of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results: Alcohol by volume, 8.8 per cent; methyl alcohol, absent; vanillin (grams per 100 cc), 0.55; coumarin (grams per 100 cc), 0.09; qualitative test for coumarin, positive; vanilla resins, mere trace, if any; color, caramel. The libel alleged that the product, after shipment by the Hudson Manufacturing Co. from the State of Illinois into the State of Texas, remained in the original unbroken packages and was adulterated and misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Adulteration and misbranding of said product was alleged for the reasons stated in the libel as follows: "That the said barrels do not contain true vanilla tonka and compound as it purports to and as the said barrels are labeled, but said barrels contain, to wit, an imitation extract, and the labeling of said barrels as containing vanilla tonka and compound is misleading and false, so as to deceive and mislead the purchaser, and is a misbranding within said act and so as to offer the contents for sale as said barrels containing vanilla tonka and compound, but same contain an imitation extract consisting of vanillin and tonka, there being a trace, if any, of vanilla and being colored with caramel which is not declared. That said article is an imitation and offered for sale under the distinctive name of another article and is mixed and colored in a

manner whereby the damage and inferiority is concealed, and in such a manner as to reduce, lower, and injuriously affect its quality and strength, and that said product is adulterated."

On May 2, 1910, the Hudson Manufacturing Co. intervened as claimant of the property and filed answer to the libel and on the same date the Creamery Dairy Co. filed a petition in the case, stating that it purchased the product from the Hudson Manufacturing Co., and consenting and agreeing that said company might appear as the sole owner and claimant thereof, and that, in the event of a decree of restitution of the property, that it might be released to said Hudson Manufacturing Co. as the sole owner; and on the same date the Creamery Dairy Co. filed an answer to the petition, praying that the case be dismissed as to them. The cause coming on to be heard on January 11, 1911, and the court having heard the testimony of the witnesses for the Government entered, on January 14, 1911, the following decree: "This cause coming on to be heard this the 11th day of January, A. D. 1911, the parties hereto appeared in open Court by their counsel and announced ready for trial, and a jury being waived the matters of law and fact were submitted to the Court without a jury; and the United States of America, Libellant, having introduced and closed its evidence and the Court finding therefrom that the three barrels charged to be Vanilla Tonka and Compound, seized and libelled herein were not transported or shipped for sale, but were shipped for the purpose of being used by the Creamery Dairy Co. in the manufacture of ice cream and purchased and held by it for that purpose, and the United States of America, Libellant, having failed to introduce any evidence showing that the Secretary of Agriculture had caused notices to be given to the party from whom the sample was obtained and given him an opportunity to be heard as prescribed in Section IV of the Act of Congress of June 30, 1906, regulating such proceedings; and the Court being of opinion as a matter of law that the property libelled herein cannot be condemned because it was not transported for sale as above indicated, and being also of the opinion as a matter of law that the proceedings against property in such a case can in no event be had without the notices referred to having been given by the Secretary of Agriculture and an opportunity for a hearing allowed, as provided by said Act, is of the opinion that it is unnecessary to consume further time of the Court in hearing the defendants' evidence; It is, therefore, ordered, adjudged and decreed that the United States of America, Libellant herein, take nothing by this its suit and that the libel proceedings herein be dismissed. To which action and judgment of the Court, Libellant, United States Government, in open Court excepted and gave notice of appeal, and by consent of parties is allowed six months

from date hereof to perfect its appeal herein; and it is therefore hereby ordered by the Court that the Libellant, United States of America, is allowed and given six months from date hereof in which to perfect its appeal herein." Pursuant to notice, libellant appealed said case to the United States Circuit Court of Appeals for the Fifth Circuit, where said case is now pending.

On January 14, 1911, the court entered an order in compliance with application of the Hudson Manufacturing Co. previously filed, directing the release of the product to said company upon the payment of the costs by said company and the execution by it of a good and sufficient bond in the sum of \$700, conditioned that said property should not be again sold contrary to law.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 22, 1912.*

1306



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1307.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF CREAM.

On September 9, 1911, George M. Kephart, of Derwood, Md., sold and delivered at the Union Station, Washington, D. C., a quantity of cream. William C. Woodward, Health Officer of the District of Columbia, acting by authority of the Secretary of Agriculture, caused samples from the above delivery to be procured and analyzed. As the findings of the analyst and report made indicated that the cream was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the said George M. Kephart was afforded an opportunity for hearing. As it appeared after hearing held that this sale was in violation of the Act, the said Health Officer reported the facts to the United States Attorney for the District of Columbia. In due course a criminal information against the said George M. Kephart was filed in the Police Court of the District of Columbia charging that the said cream was adulterated in that a valuable constituent, to wit, butter fat, had been extracted therefrom.

On November 9, 1911, the defendant entered a plea of guilty and was fined \$15.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 22, 1912.

27203°—No. 1307—12



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1308.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF VINEGAR.

The United States Attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of eight barrels and three half-barrels of vinegar in the possession of the Handly-Goodman-Heggie Co., Chattanooga, Tenn. The product was labeled: "D. J. Gregory Vinegar Company, Distributors, Anchor Brand Cider, and Sirup Vinegar, Richmond, Va."

Analysis of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results: Solids (grams per 100 cc), 1.08; nonsugar solids (grams per 100 cc), 0.73; reducing sugar as invert (grams per 100 cc), 0.35; ash (grams per 100 cc), 0.16; soluble phosphoric acid (mg per 100 cc), 3.3; insoluble phosphoric acid (mg per 100 cc), 9.9; total acid, as acetic (grams per 100 cc), 5.04; volatile acid, as acetic (grams per 100 cc), 5.00; fixed acid, as malic (grams per 100 cc), 0.04; alkalinity of soluble ash (cc of N/10 acid), 10.6. Per cent of sugar in solids, 32.4; polarization direct 20° C., -0.4° V.; per cent of ash in nonsugar solids, 21.9; color removed by fuller's earth, 70 per cent; color in degrees on 0.5 inch brewer's scale, 17 per cent; lead precipitate, O. K. The libel alleged that the vinegar, after shipment by the D. J. Gregory Vinegar Co., Richmond, Va., from the State of Virginia into the State of Tennessee, remained in the original unbroken packages, and was adulterated and misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Adulteration of said product was alleged for the reason that a substance, to wit, a distilled or spirit vinegar, had been mixed and packed with the product so as to reduce or lower or injuriously affect its quality and strength, and had been substituted wholly or in part therefor; and also because said product had been artificially colored in a manner whereby

its inferiority was concealed. Misbranding was alleged for the reason that the product was represented on the label to be "cider and sirup vinegar," which said statement was false and misleading and calculated to deceive and mislead the purchaser because said product was not as represented, but consisted in whole or in part of a distilled spirit vinegar which had been artificially colored.

On March 6, 1911, the case coming on for hearing and no one having appeared as claimant, the court entered a decree condemning the product as adulterated and misbranded and forfeiting it to the United States, and ordering it to be sold by the marshal.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 22, 1912.

1308

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Issued May 13, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1309.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF MAPLE SUGAR.

On April 29, 1911, the United States Attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 12 sacks of sugar in the possession of the Standard Candy Co. The containers were not labeled in any manner to indicate the nature of their contents, but the goods were invoiced and shipped to the consignee as "12 Sax B. Sugar," and the manager of the consignee firm stated that the product was purchased as "Pure Maple Sugar," and the contract between his firm and the shippers called for the delivery of "Pure Beauce County Maple Sugar."

An analysis, made by the Bureau of Chemistry of the United States Department of Agriculture, of samples of said product showed the following results: Solids by the refractometer, 95.05 per cent; total ash calculated to sirup of 65 per cent solids, 0.66 per cent; insoluble ash calculated to sirup of 65 per cent solids, 0.10 per cent; alkalinity of soluble ash calculated to sirup of 65 per cent solids, 2.5 cc of N/10 acid; alkalinity of insoluble ash calculated to sirup of 65 per cent solids, 3.2 cc of N/10 acid; lead number, 1.15. The libel alleged that the sugar, after shipment by the Arcadia Maple Co., Kansas City, Mo., from the State of Missouri into the State of Wisconsin, remained in the original unbroken packages and was adulterated and misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Adulteration was alleged for the reason that a substance, to wit, brown sugar, had been mixed and packed with the product so as to reduce and lower and injuriously affect its quality or strength, and had been substituted wholly or in part for the pure maple sugar.

Misbranding was alleged for the reason that said product was an imitation of, and sold under the distinctive name of, another article, to wit, "Pure Beauce County Maple Sugar."

On September 9, 1911, the said cause coming on for hearing and no one having appeared as claimant, the court entered a decree condemning and forfeiting the product to the United States as adulterated and misbranded, and ordering it to be sold by the marshal in a manner not in contravention of law, and, in default of said sale, that the same should be destroyed.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 22, 1912.

1309



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1310.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On or about October 9, 1911, John W. Grove, of Frederick, Md., sold and delivered at the Union Station, Washington, D. C., a quantity of milk. Dr. William C. Woodward, Health Officer of the District of Columbia, acting under authority of the Secretary of Agriculture, caused a sample of said product to be procured and analyzed. As it appeared from the findings of the analyst and report made that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the said John W. Grove was afforded an opportunity for hearing, and as it appeared after the hearing was held that the product was sold in violation of said act, the said Health Officer reported the facts to the United States Attorney for the District of Columbia. In due course a criminal information was filed in the Police Court of the District of Columbia against the said John W. Grove, charging that the milk was adulterated in that water had been mixed and packed with it in a manner to reduce and lower its quality.

On November 4, 1911, the defendant entered a plea of guilty and the court imposed a fine of \$10.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 23, 1912.

26862°—No. 1310—12



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1311.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On or about September 18, 1911, Harry L. Thomas, of Adamstown, Md., sold and delivered at the Union Station, Washington, D. C., a quantity of milk. Dr. William C. Woodward, Health Officer of the District of Columbia, acting under authority of the Secretary of Agriculture, caused a sample from the above delivery to be procured and analyzed. As it appeared from the findings of the analyst and report made that the milk was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the said Harry L. Thomas was afforded an opportunity for hearing, and as it appeared after hearing was held that the said sale was in violation of said act, the said Health Officer reported the facts to the United States Attorney for the District of Columbia. In due course a criminal information was filed in the Police Court of the District of Columbia against the said Harry L. Thomas, charging that the said milk was adulterated in that water had been mixed and packed with it in a manner to reduce and lower its quality.

On November 4, 1911, the defendant entered a plea of guilty and the court imposed a fine of \$10.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 23, 1912.

26862°—No. 1311—12



F. & D. No. 112-c.

Issued May 13, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1312.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF CREAM.

On or about September 21, 1911, Clinton E. Smith, of Doubs, Md., sold and delivered at the Union Station, Washington, D. C., a quantity of cream. Dr. William C. Woodward, Health Officer of the District of Columbia, acting under authority of the Secretary of Agriculture, caused a sample from the above delivery to be procured and analyzed. As it appeared from the findings of the analyst and report made that the said cream was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the said Clinton E. Smith was afforded an opportunity for hearing; and as it appeared after hearing was held that the said sale was made in violation of the act, the said Health Officer reported the facts to the United States Attorney for the District of Columbia. In due course a criminal information against the said Clinton E. Smith was filed in the Police Court of the District of Columbia charging the cream with being adulterated in that a valuable constituent, to wit, butter fat, had been left out and abstracted in whole or in part therefrom.

On November 4, 1911, the defendant entered a plea of guilty and the court imposed a fine of \$5.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 23, 1912.

26862°—No. 1312—12



F. & D. No. 2608.
S. No. 931.

Issued May 13, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1313.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF EVAPORATED APPLE CHOPS.

On April 24, 1911, the United States Attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 69 bags of evaporated apple chops in the possession of W. E. Morris & Co., Baltimore, Md. The tags on the sacks containing said product bore the following inscription: "Notify W. E. Morris & Co., Baltimore, Md., order of from Groucher & Packard, dealers in evaporated fruits and farm products, Canandaigua, N. Y."

Examination of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed it to be dark, covered with excreta, and to contain many small beetles, one large beetle, and one worm. The libel alleged that the product, after transportation from the State of New York into the State of Maryland, remained in the original unbroken packages, and was adulterated in violation of the Food and Drugs Act of June 30, 1906, because it consisted in part of filthy animal and vegetable substances, to wit, beetles, worms, worm excreta, and worm-eaten apples, and was, therefore, liable to seizure for confiscation.

On July 3, 1911, the court entered a decree, condemning the product as adulterated, forfeiting the same to the United States, and ordering its destruction by the marshal.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 23, 1912.

26862°—No. 1313—12



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1314.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF LEMON EXTRACT.

On October 31, 1910, the United States Attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of four gross "X. L. C. R. Lemone Mixture" in the possession of the Library Tea Co., Detroit, Mich. The product was labeled: "XLCR Lemone Mixture—Oil Lemon 1.16, Alcohol absolute, 36.00, Water 62.84.—The Schorndorfer and Eberhard Company, Cleveland, O."

An examination of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: specific gravity, 0.9582; alcohol (per cent by volume), 36.08; methyl alcohol, absent; lemon oil, absent; citral, 0.05 per cent; solids, 0.17 per cent; artificial coloring matter—unidentified, a vegetable color, not lemon or orange peel. The libel alleged that the product, after shipment by the Schorndorfer & Eberhard Co., Cleveland, Ohio, from the State of Ohio into the State of Michigan, remained in the original unbroken packages, and was adulterated and misbranded in violation of the Food and Drugs Act of June 30, 1906, and was, therefore, liable to seizure for confiscation. Adulteration was alleged for the reason that a substance, to wit, a highly dilute terpeneless extract of lemon, had been mixed and packed with the product so as to reduce and lower its quality and strength, and had been substituted therefor. Misbranding was alleged for the reason that the label represented the product to contain 1.16 per cent oil of lemon when in fact the product contained no oil of lemon, but, on the contrary, consisted of a highly dilute terpeneless extract of lemon, and the representation was therefore false and misleading and calculated to deceive and mislead the purchaser.

On April 4, 1911, the case coming on for hearing, and no one having appeared as claimant, the court found the product adulterated and misbranded, as alleged, and condemned and forfeited it to the United States and ordered its destruction by the marshal.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 23, 1912.

26862°—No. 1314—12



F. & D. No. 1657.
S. No. 586.

Issued May 13, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1315.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF ICE CREAM CONES.

On July 15, 1910, the United States Attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 20 crates of ice cream cones in the possession of the Kansas & Missouri Storage Co., Kansas City, Mo. The product was labeled: "Eagle Manufacturing Company, Inc.—Cones—Baltimore, Md.—Guaranteed by the Eagle Mfg. Co., under the Food and Drugs Act, June 30, 1906. Serial No. 4067. This box contains 100 cones.—Must be kept in a dry place.—To open box cut under this lid on three sides."

Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed it to contain borax. The libel alleged that the product, after shipment by the Eagle Manufacturing Co., Baltimore, Md., from the State of Maryland into the State of Missouri, remained in the original unbroken packages, and was adulterated in violation of the Food and Drugs Act of June 30, 1906, because it contained an added poisonous and deleterious ingredient, to wit, boric acid, which rendered said product injurious to health, and was therefore liable to seizure for confiscation.

On November 30, 1910, the case coming on for hearing, and no one having appeared as claimant, the court found the product adulterated, as alleged in the libel, and entered a decree, condemning and forfeiting it to the United States, and ordered its destruction by the marshal.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 23, 1912.

26862°—No. 1315—12



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1316.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF TOMATO CATSUP.

On February 9, 1911, the United States Attorney for the District of Kansas, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel which was subsequently amended on April 1, 1911, praying condemnation and forfeiture of 745 cases of tomato catsup in the possession of McCord-Kistler Mercantile Co. The cases were labeled: "2 doz. #12 (or #14) Elk Pride Tomato Catsup—1/10 of 1% Benzoate of Soda—Made by the Harbauer-Marleau Co., Toledo, Ohio." Each of the bottles was labeled on the principal label: "Elk Pride Brand Tomato Catsup—Made from tomatoes, granulated sugar, onions, spices, and vinegar—Made by the Harbauer-Marleau Co., Toledo, Ohio—Preserved with 1/10 of 1% Benzoate of Soda." On the neck label: "Made from pure tomatoes, pure spices, granulated sugar, onions, preserved with benzoate of soda—artificially colored."

Examination of a sample of said product by the Bureau of Chemistry of the United States Department of Agriculture showed it to contain yeasts and spores 75 per one-sixtieth cubic millimeter, bacteria 170,000,000 per cubic centimeter, and mold filaments present in 85 per cent of the fields. The libel alleged that the tomato catsup, after shipment by the Harbauer-Marleau Co., Toledo, Ohio, from the State of Ohio into the State of Kansas, remained in the original unbroken packages and was adulterated in violation of the Food and Drugs Act of June 30, 1906, because it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance, and was therefore liable to seizure for confiscation.

On June 5, 1911, the case coming on for hearing and no one having appeared as claimant, the court found the product adulterated as alleged and entered a decree condemning and forfeiting it to the United States and ordering its destruction by the marshal.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 23, 1912.

26862°—No. 1316—12



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1317.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF COFFEE.

On July 1, 1910, the United States Attorney for the Eastern District of Virginia, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of six bales of coffee in the possession of the Aragon Coffee Co., Richmond, Va. The coffee was packed in double bales which in style and appearance were similar to the containers in which Mocha coffee is received in importations from Arabia. The containers bore no labels except the brand "W Waldorf" and the goods were invoiced as "W 10 Mocha".

Examination of a sample of said coffee by the Bureau of Chemistry of the United States Department of Agriculture showed the coffee to consist of a mixture of Mocha and Bourbon Santos, indicating that the latter had been mixed and substituted for the Mocha. The libel alleged that the coffee, after shipment by W. H. Force & Co. and Mitchell Bros., of New York City, from the State of New York into the State of Virginia, remained in the original unbroken packages, and was adulterated and misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Adulteration was alleged for the reason that the coffee consisted of a mixture of Mocha and Bourbon Santos, the latter substance having been mixed and packed with the said Mocha coffee so as to reduce and lower and injuriously affect its quality and strength, and said Bourbon Santos had been substituted in part for the said Mocha coffee. Misbranding was alleged for the reason that the said coffee was an imitation of Mocha coffee and the package did not contain Mocha coffee but a mixture of Mocha and Bourbon Santos, and for the further reason that it was offered for sale and sold under the distinctive name of another article, to wit, Mocha coffee, when in fact it was not such but a mixture of Mocha and Bourbon Santos.

On October 12, 1910, the case coming on for hearing, the court found the product adulterated and misbranded as alleged in the libel and entered a decree condemning and forfeiting it to the United States and ordering it to be sold at public auction by the marshal.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 23, 1912.

26862°—No. 1317—12



F. & D. No. 1538.
I. S. No. 4854-b.

Issued May 13, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1318.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF CLAMS.

On October 10, 1910, the United States Attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against D. Aubin, alleging shipment by him, in violation of the Food and Drugs Act, on or about December 9, 1909, from the State of Massachusetts into the State of New Hampshire of a quantity of clams which were adulterated. The tub containing the product was labeled: "Hodgdon & Kershaw, 2 Congress St., Portsmouth, N. H."

Examination of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the presence of an excessive number of organisms, including members of the *B. coli* group and streptococci, in sufficient numbers to render the product unfit for human consumption. Adulteration was alleged for the reason that the product consisted in part of a filthy, decomposed, or putrid animal substance.

On May 10, 1911, the defendant pleaded guilty and on June 1, 1911, was fined \$25.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 23, 1912.

26862°—No. 1318—12



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1319.

(Given pursuant to section 4 of the Food and Drugs Act.)

ALLEGED MISBRANDING OF MUSTARD.

On December 5, 1910, the United States Attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Mount Pickle Co., a corporation, Salt Lake City, Utah, alleging shipment by it, in violation of the Food and Drugs Act, on or about November 19, 1909, from the State of Utah into the State of Montana of a quantity of mustard which was misbranded. The product was labeled: "Moutarde Imperiale aux fine herbes. Mount Pickle Co. Seuls Fabricants autorisés. Salt Lake City, Utah. Medaille D'Argent 1850. Medaille D'Or 1885. Serial No. 5590."

Analysis of a sample of said product by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: Water (including volatile oil), 80.45 per cent; ash, 2.18 per cent; carbohydrates as starch (acid conversion), 3.34 per cent; crude fiber, 1.67 per cent; protein ($N \times 6.25$), 3.69 per cent; fat (by difference), 8.67 per cent; chlorine as NaCl, 1.17 per cent; product highly colored with turmeric and a coal-tar dye, apparently Naphthol Yellow S. Calculated to water-fat-salt-free basis: Carbohydrates as starch, 34.4 per cent; crude fiber, 17.2 per cent; protein, 38 per cent. Misbranding was alleged for the reason that the statements appearing in French on the labels, to wit: "Moutarde Imperiale aux fine herbes. Seuls Fabricants autorisés," and the two designs bearing the words and figures: "Medaille D'Argent 1850" and "Medaille D'Or 1885" purported that the product was of foreign manufacture, when in fact it was not such, but a domestic product manufactured in the United States, and the form of label was therefore false and misleading and calculated to mislead and deceive the purchaser.

On April 3, 1911, the defendant filed a general demurrer to the information and on April 17, 1911, the court, after hearing argument thereon, sustained the same and dismissed the case.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 23, 1912.

26862°—No. 1319—12

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1320.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF "TOMATO PUREE"; ADULTERATION OF "TOMATO PULP"; ADULTERATION OF "TOMATO CATSUP".

At the November term, 1910, of the United States District Court for the Western District of Kentucky the United States Attorney for said district, acting upon a report by the Secretary of Agriculture, filed information in four counts in said court against J. Ed. Guenther, trading as the New Blue Grass Canning Co., alleging shipments by him of adulterated and misbranded products, in violation of the Food and Drugs Act, on the dates and in the manner hereinafter set forth, to wit:

(1) Shipment on or about November 24, 1909, from the State of Kentucky into the State of Louisiana, was alleged of a quantity of "tomato purée" which was adulterated and misbranded. The product was labeled—"Superior Tomato (picture of red, ripe tomato). This package contains pure, ripe tomato juice condensed 3 to 1 Especially suited for dressing fish, oysters, meats, etc. Adapted to the making of homemade catsup. All goods bearing our names are guaranteed to conform to all pure food laws Blue Grass Brand—Packed by New Blue Grass Canning Co., Owensboro, Ky., U. S. A. The contents of this package contains three times in strength pure condensed tomato juice and will make three times as much tomato soup as a can three times as large will produce in pure canned tomatoes." Analysis and examination of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results: Yeasts and spores 209 per one-sixtieth cmm.; bacteria very numerous, estimated at 228,000,000 per cc.; molds were not well developed; about half the microscopic fields shows them present; does not appear as a whole pulp product, though there is some pulp tissue present; solids 9.60 per cent; reducing sugars before inversion, 3.14 per cent; reducing sugars after inversion, 3.10 per cent; polarization before inversion, -1.6° V.; polarization after inversion, -1.4° V.; ash, 2.60

per cent; total acids, 5.40 per cent; nitrogen 0.28 per cent; protein ($N \times 6.25$), 1.75. Adulteration was alleged in the first count of the information against this product for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance. Misbranding was alleged in the second count against this product for the reason that the label contained statements which were false and misleading and calculated to deceive and mislead the purchaser in this, to wit, that the label represented the package upon which it appeared "contains pure, ripe tomato juice condensed three to one," and that the contents of said package "will make three times as much tomato soup as a can three times as large will produce in pure canned tomatoes," when, in fact, the product was not as represented, but consisted of ordinary tomato pulp, adulterated by filthy, decomposed, or putrid vegetable substance.

(2) Shipment on or about April 9, 1910, from the State of Kentucky into the State of Louisiana was alleged of a quantity of tomato pulp which was adulterated. The product was labeled: (On can) "Guenther's Tomato Pulp (picture of ripe tomato) This package contains pure ripe condensed tomato juice. Especially suited for dressing fish, oysters, meats, macaroni and spaghetti. Adapted to the making of homemade catsup. Blue Grass Brand—All goods bearing our name are guaranteed to conform to all pure food laws. Packed by New Blue Grass Canning Co. Owensboro, U. S. A." Chemical analysis and bacteriological examination of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results: Solids 11 per cent; reducing sugars before inversion, 1 per cent; reducing sugars after inversion, 1.85 per cent; total acid, 0.94 per cent; sodium benzoate, titration, 0.10 per cent; polarization after inversion —6°V; yeasts and spores, 130 per one-sixtieth cmm.; Bacteria numerous, 85,000,000 per cc.; mold filaments in nearly every field. Adulteration was alleged in the third count of the information against this product for the reason that it consisted in part of a filthy and decomposed vegetable substance.

(3) Shipment on or about January 12, 1910, from the State of Kentucky into the State of Georgia was alleged of a quantity of catsup which was adulterated. The product was labeled: "Jumba Tomato Catsup. 190-71-119". Chemical analysis and bacteriological examination of two samples of this product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results: (Sample I. S. No. 3998-b) Yeasts and spores 90 per one-sixtieth cmm.; bacteria abundant, estimated at about 75,000,000 per cc.; molds were abundant, as were fragments

of decayed tissues; sodium benzoate, grams per 100 grams ketchup, titration, 0.63; organisms per cc developing on plain agar after three days at 25°C., 600; after three days at 37°C., 700. (Sample I. S. No. 3999-b) Yeasts and spores 95 per one-sixtieth cmm.; bacteria estimated at 20,000,000 per cc.; molds and decayed tissue abundant; sodium benzoate, grams per 100 grams of catsup 0.68; no living organisms. Adulteration was alleged in the fourth count of the information against this product for the reason that it consisted in part of filthy and decomposed vegetable substance.

On April 20, 1911, the defendant pleaded guilty and was fined \$25 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 24, 1912.

1320



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1321.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF FROZEN EGGS.

On September 20, 1910, the United States Attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Iowa Butter & Egg Co., a corporation, of Council Bluffs, Iowa, alleging shipment by it, in violation of the Food and Drugs Act, on or about April 26, 1910, from the State of Iowa into the State of New York of a quantity of frozen eggs, which were adulterated. The product bore no label.

Microscopic and bacteriological examinations of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results: Bacteriological examination: Organisms per cc developing on plain agar after four days at 25° C., 1,050,000,000; at 37° C., 850,000,000; on bile salt agar, 730,000,000; gas developing in 2 per cent dextrose fermentation tubes after four days at 37° C., from 0.001 cc, 40 per cent; 0.0001 cc, 50; 0.00001 cc, 40; 0.000001 cc, 30; 0.0000001 cc, 30; 0.00000001 cc, 30 per cent; streptococci present in 0.001 cc. to 0.000001; *B. coli* group isolated. Microscopical examination: This sample was made of spot eggs. Odor offensive. Adulteration of said product was alleged for the reason that it consisted wholly or in part of a filthy, decomposed, or putrid animal or vegetable substance, the same containing streptococci and the *B. coli* group, showing a contamination of the product with fecal matter.

On March 21, 1911, the defendant corporation entered a plea of guilty and was fined \$50.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 24, 1912.

27200°—No. 1321—12



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1322.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF A DRUG PRODUCT—"WOOD'S SOOTHING SYRUP."

On June 30, 1911, the United States Attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against William J. Wood, of Trenton, N. J., alleging shipment by him, in violation of the Food and Drugs Act, on or about July 18, 1910, from the State of New Jersey into the State of Pennsylvania, of a quantity of a drug product labeled "Wood's Soothing Syrup", which was misbranded. The product was labeled: (On bottle) "Dr. Wood's Soothing Syrup Alcohol—Eight per Cent Opium—One and One Quarter Grains to the Ounce. Guaranteed under the Food and Drugs Act, June 30th, 1906. No. 2916. For Children & Adults, and affords speedy relief in all cases of acute Pains, Gripings, severe Vomiting, Bowel Complaints, Teething, Restlessness, Sore Throat, Whooping Cough, all Coughs and Colds, all Throat, Bronchial, Chronic and Nervous Affections; also a preventive against taking cold". (On circular enclosed with the product) "This Syrup is obtaining a world-wide reputation as an infallible remedy for Whooping Cough, Croup, Colds, Teething and Restlessness, and all Throat, Chronic, and Nervous Affections. Also for Sick Stomach and General Debility. For Whooping Cough, this syrup, when once used, is ever after deemed indispensable. It relieves the paroxysms or fits of coughing, and so palliates every difficulty attending the disease that the little sufferer obtains immediate and permanent relief. . . . Also it is beneficial when used as a specific in the incipient stages, for consumption. It is a sure cure for sick headache, female weakness, or irregularities. . . . This syrup, if used freely, will have the desired effect of subduing Croup by quenching the inflammatory action of the windpipe, and removing the mucus from the parts affected. Many mothers

can recommend this medicine as the most efficacious remedy for Croup ever used. Also, for infants raised on the bottle or cow's milk, a few drops of the syrup in milk will prevent colic, and entirely obviate the difficulty arising from a disagreement of cow's or goat's milk with small children. For Asthma and Phthisic this extraordinary remedy affords immediate relief. . . . It is also invaluable for Coughs and Colds. . . . It has a soothing effect upon the bronchial tubes, and where a cough is tight, or attended with hoarseness it will soon relax those parts, remove all unpleasant symptoms, and restore the organs to a healthy and normal condition. . . . It will in most cases entirely remove the cause of sick headache."

Analysis of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed it to be a hydro-aleoholic solution of opium, aromatic bodies, sugar, inorganic salts, and undetermined matter; alcohol, 3.75 per cent by volume; morphine, 0.042 gram per 100 cc. calculated to 9 per cent opium (2 grains per fluid ounce). Misbranding of said product was alleged for the reason that the statements "Alcohol—Eight per cent" and "Opium—One and One Quarter Grains to the Ounce", borne on the label, were false and misleading, because said product did not contain 8 per cent alcohol, but only 3.75 per cent by volume of alcohol, and it did not contain 1½ grains of opium to the ounce, but a larger quantity of opium, to wit, 2 grains to each ounce of the product. Misbranding was further alleged against this product for the reasons stated in the information, as follows: In that the packages in which the same was contained and the label of each of which packages bore certain statements, designs, and devices regarding said article of drugs and drug product and the ingredients or substances therein contained, which were false and misleading in the following particulars, to wit, in that the statements "This purely Vegetable Syrup is obtaining a world-wide reputation as an infallible remedy for whooping cough, croup, teething, and restlessness, and all throat and bronchial, chronic and nervous affections, also for sick stomach and general debility," and "For whooping cough this Syrup when once used is ever deemed indispensable. It relieves the paroxysms or fits of coughing and so palliates every difficulty attending the disease that the little sufferer obtains immediate and permanent relief", borne on the circular accompanying said product, are misleading and deceptive because, as a matter of fact, said product is not an infallible remedy for the diseases enumerated in said statements and will not furnish immediate and permanent relief for whooping cough; and in that the statements "It is beneficial when used as a specific in the incipient stages for consumption," "It is a sure cure for sick headache, female weakness or irregularities," and

"Also for infants raised on the bottle or cow's milk, a few drops of the Syrup put in milk will prevent colic and entirely obviate the difficulty arising from a disagreement of cow's or goat's milk with small children," borne on the circular enclosed with the package containing said product, are false and misleading because, as a matter of fact, said product is not a specific for consumption in the incipient stages; it is not a sure cure for croup, and will not prevent colic; and in that the statements "For asthma and phthisic, this extraordinary remedy affords immediate relief. * * *" and "It is also invaluable for coughs and colds. * * * It has a soothing effect upon the bronchial tubes, and where a cough is tight or attended with hoarseness, it will soon relax those parts, remove all unpleasant symptoms, and restore the organs to a healthy and normal condition. * * * It will in most cases entirely remove the cause of sick headache," borne on the circular enclosed with said product, are false and misleading because said preparation will not afford immediate relief for phthisic; it will not restore the organs to a healthy and normal condition, and will not in most cases entirely remove the cause of sick headache.

The charge of misbranding in the information, to the effect that "It is a sure cure for sick headache, female weakness, or irregularities" was erroneous. The language used should have been "It is a sure cure for croup." The charge of misbranding to the effect that the product purported to be a "purely Vegetable" syrup was also erroneous. The expression "purely Vegetable" should have been omitted from the charge.

On February 6, 1911, the defendant pleaded non vult, and on March 20, 1911, the court suspended sentence.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 24, 1912.

1322



F. & D. No. 2126.
I. S. No. 452-c.

Issued May 13, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1323.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF EVAPORATED APPLES.

On February 25, 1911, the United States Attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Teasdale Fruit & Nut Products Co., of Rogers, Ark., alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 10, 1910, from the State of Arkansas into the State of Texas of a quantity of evaporated apples which were misbranded. The product was labeled: "50 lbs. Net. Choice Evaporated Apples. New Crop. Sulphur Bleached."

Microscopical examination of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, was as follows: Low grade; either culls or made from poor quality apples. Many seeds, skins, cores, stems, blossom ends, and wormholes containing excreta. 500 grams showed 5 live worms, 1 live beetle. No large, perfect slices, and only 64.4 per cent passable. Misbranding was alleged for the reason that the label represented said product to be "choice evaporated apples, new crop," which was false and misleading because it was not such, but was a low-grade product, consisting principally of either culls or poor quality apples, containing many seeds, skins, cores, stems, wormholes, and excreta.

On March 10, 1911, the defendant company pleaded guilty and was fined \$10 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 24, 1912.
27200—No. 1323—12



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1324.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF SPAGHETTI AND MACARONI.

On March 3, 1911, the grand jurors of the United States within and for the Northern District of California, after presentation by the United States Attorney, acting upon a report of the Secretary of Agriculture, returned an indictment to the United States District Court for said district against Spiropoulos & Costalupes, alleging shipment by them, in violation of the Food and Drugs Act, on or about August 12, 1910, from the State of California into the State of Washington, of a consignment of spaghetti and macaroni which was misbranded. The products were labeled: "Pompei Macaroni Factory Qualita Extra. Promiati Fabbrica Di Paste Alimentari. Artificially colored 2981-2989 Folsom St., San Francisco, Cal." "Pompei Macaroni Factory Qualita Extra. Promiata Fabbrica Di Paste Alimentari Artificially colored 2981-2989 Folsom St., San Francisco, Cal."

The Bureau of Chemistry of the United States Department of Agriculture, upon examination of samples of these products and investigations, reported that they were manufactured in San Francisco, Cal. Misbranding was alleged for the reason that the labels above set forth created the impression that the products were of foreign origin and are therefore false and misleading and calculated to mislead and deceive the purchaser, for the reason that said products were not of foreign origin or manufacture, but were manufactured in the United States, to wit: at San Francisco, Cal.

On March 22, 1911, Costalupes pleaded guilty and was fined \$50.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 25, 1912.

27912°—No. 1324—12



F. & D. No. 2545.
I. S. No. 8259-c.

Issued May 13, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1325.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF BUCKWHEAT FLOUR.

On April 17, 1911, the United States Attorney for the Eastern District of Wisconsin, acting upon a report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against Stillman Wright & Co., a corporation, Berlin, Wis., alleging shipment by it, in violation of the Food and Drugs Act, on or about October 26, 1911, from the State of Wisconsin into the State of Missouri, of a consignment of buckwheat flour which was misbranded. The product was labeled: "5 lbs. Wright's old-fashioned Buckwheat. Wright wrongs no man. Wright's Buckwheat. Wright's Mills, Berlin, Wis. BUCKWHEAT. Wright Buckwheat is pure."

Examination by the Bureau of Chemistry of the United States Department of Agriculture of 20 packages of said product showed the following results: Weight of small sacks: Maximum, 4 lbs. 14½ oz.; minimum, 4 lbs. 11¾ oz.; average, 4 lbs. 13⅓ oz.; average gross shortage, 3.7 per cent; average net shortage, 4.5 per cent. Misbranding was alleged for the reason that the statements of weight and measure set forth on the labels were false and misleading and calculated to deceive and mislead the purchaser, because they were incorrectly stated, the average gross shortage being 3.7 per cent, and the average net shortage being 4.5 per cent, as shown by the above analysis.

On May 9, 1911, the defendant corporation pleaded guilty and was fined \$25.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 25, 1912.

27912°—No. 1325—12



F. & D. No. 2822.
I. S. No. 2679-c.

Issued May 13, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1326.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF KETCHUP.

On October 11, 1911, the United States Attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against A. C. Soper & Co., a corporation, Farmingdale, N. J., alleging shipment by it, in violation of the Food and Drugs Act, on or about December 1 and 12, 1910, of a quantity of catsup which was adulterated. The product was labeled: (On barrel) "Boston, Mass., American Grocery, A. C. Soper Company, 53 Gals, Pilgrim Brand Ketchup, made from tomato pulp, vegetable flavors, 1/5 of benzoate of soda, New York."

Examination of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the product to contain yeasts and spores 95 per one-sixtieth cmm., bacteria 140,000,000 per cc., and mold filaments in 75 per cent of the fields. Adulteration was alleged for the reason that the product consisted in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance.

On October 30, 1911, the defendant entered a plea of non vult and sentence was suspended by the court.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 25, 1912.

27912°—No. 1326—12



F. & D. No. 2971.
S. No. 1076.

Issued May 13, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1327.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF MARASCHINO CHERRIES.

On September 29, 1911, the United States Attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of seven cases of maraschino cherries found on premises 323 East Fifth Street in the city of St. Paul. The product was labeled: (On jars) "Armour's Top Notch Brand Maraschino Cherries—Colored with Cochineal Lake—Prepared for Armour & Co., under the Food and Drugs Act of June 30, 1906, Serial No. 1269 A." (On cases) "Armour's Top Notch Brand Maraschino Cherries Armour & Co.—six 1/2 Gall. Jars—Reg. No. 223575—Armour & Co., St. Paul, Minn."

Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture, showed that the cherries had not been packed in maraschino liqueur nor a syrup flavored with that substance, but that they had been packed in a syrup flavored with benzaldehyde or bitter almond. The libel alleged that the product, after shipment by Armour & Co. from the State of Illinois into the State of Minnesota, remained in the original unbroken packages, and was adulterated and misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Adulteration was alleged for the reason that said cherries had been packed and mixed with a substance, to wit, a sugar syrup, which had been substituted wholly or in part for genuine maraschino liqueur, which said substituted substance reduced, lowered, and injuriously affected the quality and strength of said article. Misbranding was alleged for the reason that said product was sold under the distinctive name of another

article, to wit, maraschino cherries, when in fact it was not packed in maraschino liqueur but in a sugar syrup made in imitation of genuine maraschino liqueur, and further because said product was so labeled as to deceive and mislead the purchaser in that it was represented to be maraschino cherries, or cherries packed and preserved in maraschino liqueur, when in fact the article was not maraschino cherries or cherries packed or preserved in maraschino liqueur.

On October 23, 1911, the case coming on for hearing and Armour & Co. having appeared as claimants to said property, the court found the product misbranded as alleged in the libel and entered a decree condemning and forfeiting the same to the United States, but with the proviso that it might be released to claimants upon the payment of costs and giving of bond in the sum of \$500 conditioned that the product should not be again sold contrary to law.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 25, 1912.

1327



F. & D. Nos. 1360 and 1384.
S. Nos. 497 and 512.

Issued May 13, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1328.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF CORN MEAL; ADULTERATION OF CORN MEAL.

On April 2 and 12, 1910, the United States Attorney for the Eastern District of North Carolina, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying condemnation and forfeiture of two lots of corn meal of 100 sacks each in the possession of J. T. Ginn & Co. and R. E. Pipkin, respectively, Goldsboro, N. C. The corn meal in the possession of J. T. Ginn & Co. bore no label. An examination by the Bureau of Chemistry of the United States Department of Agriculture of a sample taken from this consignment showed the meal to be decomposed and in a filthy and sour condition. The meal in the possession of R. E. Pipkin was labeled as follows: "Bolted 96 lbs. Petersburg Corn Milling Co., Manufacturers of White Pearl Meal Old Virginia Ground. D. B. Booth & Co., Proprietors, Petersburg, Va. White Pearl Meal." Examination by the Bureau of Chemistry of the United States Department of Agriculture of samples taken from this consignment showed it to be moldy. The libels alleged that the products, after shipment by D. B. Booth & Co., of Petersburg, Va., from the State of Virginia into the State of North Carolina, remained in the original unbroken packages, and that the product consigned to J. T. Ginn & Co. was adulterated, and that consigned to R. E. Pipkin was both adulterated and misbranded; and that said products were, therefore, liable to seizure for confiscation. Adulteration was charged against the product in the possession of J. T. Ginn & Co. for the reason that it was in a filthy, decomposed condition and unfit for consumption as human food. Adulteration was alleged against the product in the possession of R. E. Pipkin for the reason

that it was in a filthy, decomposed condition and unfit and unsuitable for consumption as human food. Misbranding was alleged against said product because the label represented the sacks to contain 96 pounds of the product, when, in fact, actual accurate weight of the same showed a shortage of approximately 3 per cent on the entire consignment.

On September 6, 1911, the causes coming on for hearing and no person having appeared as claimant, the court entered decrees finding the products adulterated and misbranded, as alleged in the libels, and condemning and forfeiting the same to the United States and ordering said products to be disposed of by the marshal at public or private sale to the best advantage.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 25, 1912.

1328



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1329.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF CATSUP.

On September 14, 1910, the United States Attorney for the Southern District of Iowa, acting upon the report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 225 cases of catsup in the possession of the Biklen Winzer Grocer Co., of Burlington, Iowa. The product was labeled: "Made from tomatoes, Granulated sugar, Vinegar and Spices. 1/10 of 1% Sodium Benzoate—Put up for Biklen Winzer Grocer Co. Serial 8904, Burlington, Ia. Bunker Hill Brand Ketchup." (On containers) : "2 doz. 14 oz. Bunker Hill Brand Tomato Ketchup—Preserved with 1/10 of 1% Benzoate Soda—Packed for Biklen Winzer Grocer Company, Burlington, Ia."

Examination of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed it to contain yeasts and spores to the number of 329 per one-sixtieth cubic millimeter and 100,000,000 bacteria in each cubic centimeter, also mold filaments present in 94 per cent of the microscopic fields examined. The libel alleged that the product, after shipment by Harbauer-Marleau Co., of Toledo, Ohio, from the State of Indiana into the State of Iowa, remained in the original unbroken packages and was adulterated in violation of the Food and Drugs Act of June 30, 1906, because it consisted in whole or in part of a putrid or decomposed vegetable substance and was therefore liable to seizure for confiscation.

On December 6, 1910, the case coming on for hearing and the Biklen Winzer Grocer Co. having appeared as claimants and owners of the product and made answer to the libel, the court found the product adulterated as alleged in the libel and entered a decree condemning and forfeiting it to the United States and ordering its destruction by the marshal, but with the proviso that it might be released to claimants upon the payment of all costs and the execution by them of a bond satisfactory to the court on condition that the said property should not be again sold contrary to law.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 25, 1912.

27912°—No. 1329—12



F. & D. No 2882.
S. No. 1042.

Issued May 13, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1330.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF DRIED APPLES.

On August 31, 1911, the United States Attorney for the District of Maryland, acting upon reports of the Secretary of Agriculture, filed in the District Court of the United States for said district two libels praying condemnation and forfeiture of two bags, respectively, of dried apples, one found on the premises of the Northern Central Railway Co., in the city of Baltimore, and the other in the possession of R. S. Jackson & Co., of said city. The first-mentioned consignment was in a second-hand bag labeled "The Acron Milling Co., Harbor Beach, Mich., Industrial Corn Starch. The Industrial Corn Starch Co., Boston, Mass." The second mentioned consignment was in a second-hand bag labeled: "150 lbs. Leverings Winner Brand Coffee. Levering Coffee Co., Baltimore, Md."

Examination of a sample of each of said consignments, designated for purposes of identification as I. S. Nos. 741-d and 742-d, was made by the Bureau of Chemistry of the United States Department of Agriculture and reported thereon as follows: That both consignments were badly worm-eaten and infested with a large amount of worms and excreta; that with respect to I. S. 741-d a sample of 255 grams showed one beetle, 13 worms, and one fly, appearance very poor, covered with excreta, and in the case of 742-d, from a sample of 321 grams, 8 worms, whole sample worm-eaten and covered with excreta, appearance poor. The libels alleged that the aforesaid products, after shipment by S. & J. Kimble & Co., Bushy Run, W. Va., and Quinn Bros., Culpeper, Va., respectively, from the State of Virginia into the State of Maryland, remained in the original unbroken packages and were adulterated in violation of the Food and Drugs Act of June 30, 1906, because they consisted in part of filthy animal

and vegetable substances, to wit, worms, beetles, flies, worm excreta, and worm-eaten apples, and were therefore liable to seizure for confiscation.

On October 23, 1911, the cases coming on for hearing and no one having appeared as claimant in either case, the court found the several products adulterated as alleged in the libels and entered decrees condemning and forfeiting the said products to the United States, and on October 27, 1911, final decrees were entered in said cases ordering the complete destruction of the aforesaid products by the marshal.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 25, 1912.*

1330



F. & D. No. 755.
S. No. 604.

Issued May 13, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1331.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF DESICCATED EGGS.

On August 12, 1910, the United States Attorney for the Southern District of New York, acting upon the report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel which was subsequently amended, praying condemnation and forfeiture of six drums containing 200 pounds each of desiccated eggs stored in the warehouse of the Merchants Refrigerating Co., New York City.

Examination of two samples of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed one to contain 77,000,000 bacteria, including 10,000,000 of the gas-producing type, and the other to contain 55,000,000 bacteria, of which 1,000,000 were of the gas-producing type. Analysis further showed said samples to contain 0.02 per cent and 0.12 per cent, respectively, of boric acid. The amended libel alleged that the product, after shipment by R. Smithson, Chicago, Ill., from the State of Illinois into the State of New York, remained in the original unbroken packages and was adulterated in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Adulteration was alleged in said amended libel for the reason that said product, being an animal substance, was in whole or in part filthy, putrid, and decomposed, and because a substance, to wit, boric acid, had been mixed and packed with it so as to reduce and lower and injuriously affect the quality and strength thereof, and for the further reason that said product contained an added poisonous and deleterious ingredient which rendered it injurious to health, to wit, boric acid.

On October 17, 1910, Robert Smithson, appearing by his attorneys, filed claim, answer, exceptions, and interrogatories to the said libel.

Thereafter stipulations were entered into between counsel for the respective parties to the suit, which provided for the payment of costs by the claimant; for the withdrawal of the claim, answer, exceptions, and interrogatories to the libel; for the labeling of the product after its release so as to plainly indicate that the same is to be used only for tanners' purposes; for the release of the goods to claimant under a bond, conditioned that the product would only be used for tanners' purposes, which bond was not to be cancelled of record until claimant had furnished competent proof to the United States Attorney that the product had been used only for tanning purposes. Thereupon the court ordered the release of the product to claimant in accordance with the terms of the stipulations annexed to said order which were continued in force until the bond provided for shall have been cancelled of record. Said order further provided as a condition precedent to the release of the product that all costs of the proceedings be paid by claimant.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 25, 1912.

1331



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1332.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF CHOCOLATE.

On July 28, 1911, the United States Attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Brewster Cocoa Manufacturing Co., a corporation, Jersey City, N. J., alleging shipment by it, in violation of the Food and Drugs Act of June 30, 1906, on or about December 10, 1910, from the State of New Jersey into the State of Ohio of a quantity of chocolate which was adulterated and misbranded. The product was labeled: "100 lbs. Passaic Pure Chocolate—Passaic 1104 Pure Chocolate. Manufactured for Hilker & Bletsch Company, Cincinnati."

Analysis of a sample of said product by the Bureau of Chemistry of the United States Department of Agriculture showed the following results:

H ₂ O (per cent)-----	1. 70
Ash, total (per cent)-----	3. 50
Ash, insoluble (per cent)-----	1. 70
Ash, soluble (per cent)-----	1. 80
Ash, insoluble in HCl (per cent)-----	. 14
Alkalinity total ash (cc per gram)-----	4. 0
Alkalinity soluble ash (cc per gram)-----	2. 0
Alkalinity insoluble ash (cc per gram)-----	2. 9
Ether extract (per cent)-----	49. 50
Proteid (per cent)-----	14. 0
Crude fiber (per cent)-----	2. 40
Microscopic examination-----	O. K.
Starch test-----	Positive.
Polarization, direct, at 25° C-----	°V.. +4. 6
Polarization, invert, at 25° C-----	°V.. -. 8
Polarization, invert, at 87° C-----	°V.. 0. 0
Sucrose, Clerget (per cent)-----	4. 15
Reducing sugar after inversion, as invert (per cent)-----	11. 95

Micro-chemical examination in second analysis showed small amount of corn starch.

Adulteration was alleged for the reason that the product contained substances which had been substituted in part for said article, to wit, sugar and corn starch, which substances had been mixed with and added to said product so as to reduce and lower and injuriously affect the quality and strength thereof. Misbranding was alleged for the reason that the label thereof was false and misleading in that said product was not pure chocolate but contained substances which had been substituted in part therefor, to wit, sugar and corn starch, and further because said product was labeled so as to deceive and mislead the purchaser into the belief that it was a pure chocolate, conforming to the standard for such article, when in fact said product was a mixture of chocolate, corn starch, and sugar.

On October 24, 1911, the defendant pleaded non vult and was fined \$100.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 25, 1912.*

1332



F. & D. No. 2865.
S. No. 1033.

Issued May 13, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1383.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF DRIED CHERRIES.

On August 24, 1911, the United States Attorney for the District of Maryland, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of one barrel of dried cherries in the possession of R. S. Jackson & Co., Baltimore, Md. The product was labeled: "Shipped by Jas. W. Early, P. O. Address Mount Fair, Va. Expressed from Mechum's River, Va. R. S. Jackson & Co. Produce Commission Merchants. Eggs, Poultry, Butter. No. 113 S. Charles St. Baltimore, Md. Reference: The Maryland National Bank of Baltimore, Md."

Examination of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed in 150 grams 63 worms, 15 cocoons, 4 flies, 1 ant, and 4 beetles, and that the appearance of the product was poor. The libel alleged that the product, after shipment by James W. Early, Mount Fair, Va., from the State of Virginia into the State of Maryland, remained in the original unbroken package and was adulterated because it consisted in part of filthy animal and vegetable substances, to wit, worms, cocoons, flies, ants, and beetles, and was, therefore, liable to seizure for confiscation.

On October 25, 1911, the case coming on for trial, and no one having appeared as claimant, the court found the product adulterated as alleged in the libel and entered a decree condemning and forfeiting the same to the United States and ordering its complete destruction by the marshal.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 25, 1912.

27912°—No. 1883—12



F. & D. No. 1936.
S. No. 692.

Issued May 13, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1334.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF TOMATO CATSUP.

On October 20, 1910, the United States Attorney for the District of Minnesota, acting upon the report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 798 cases of tomato catsup, found in the possession of Stone, Ordean & Wells Co., Duluth, Minn. The shipping cases containing said product bore labels with the following statements: "Elk's Pride Brand Tomato Catsup. Made from tomatoes, granulated sugar, onions, spices, and vinegar. Made by the Harbauer-Marleau Co., Toledo, O."

Analysis of samples of said product, made before seizure by the Bureau of Chemistry of the United States Department of Agriculture, showed it to contain benzoate of soda. The case was certified to the United States Attorney because of misbranding, in that the benzoate of soda was not declared on the labels, and not because of adulteration. The United States Attorney, nevertheless, after alleging in the libel that the catsup, following transportation from Ohio into Minnesota, remained in the original unbroken packages and was misbranded in violation of the Food and Drugs Act because it contained benzoate of soda, the presence of which was not declared on the label, inadvertently alleged further that the benzoate of soda was a poisonous and deleterious ingredient, whereas the contrary has been determined after full investigation by the Referee Board of Consulting Scientific Experts.

Examination of samples, made by the Bureau of Chemistry subsequent to seizure, showed the presence of yeasts and spores, varying from 30 to 1,400 per one-sixtieth cmm., bacteria varying from

21,000,000 to 480,000,000 per cc., molds in fields examined varying from 65 to 90 per cent. On notice of results of these examinations of samples taken after seizure the United States Attorney filed an amended libel, alleging that the catsup was adulterated because the catsup consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance, unfit for food.

No contest being made by the owners of the catsup, judgment was taken by default, and on June 2, 1911, a decree was entered declaring the product to be misbranded only as alleged in the libel and decreeing condemnation and forfeiture of the catsup to the United States, with the proviso that the catsup be delivered to the Harbauer-Marleau Co., of Toledo, Ohio, on the payment of all the costs of the proceedings and the furnishing of a sufficient bond in the sum of \$1,000, on condition that the catsup should not be sold or disposed of contrary to the provisions of the Food and Drugs Act of June 30, 1906, or the laws of any State, Territory, or insular possession. On payment of the costs, amounting to \$88, and the furnishing of the bond, the catsup was restored to the claimants.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 26, 1912.

1334



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1335.

(Given pursuant to section 4 of the Food and Drugs Act.)

ALLEGED ADULTERATION OF ALMOND PASTE.

At a stated term of the Circuit Court of the United States for the Southern District of New York, in the Second Circuit, begun and held on the first Monday of July, 1911, the United States Attorney, acting upon a report by the Secretary of Agriculture, filed information in said court against Henry Heide, alleging shipment by him, in violation of the Food and Drugs Act, on or about November 11, 1910, from the State of New York into the State of California of a quantity of almond paste, which was alleged to be adulterated. The product was labeled: "Eagle Brand Almond Paste for Macaroons Flavored with Apricot kernels New York. Warranted Pure—50 lbs. Serial No. 631. Guaranteed under the Food and Drugs Act, June 30, 1906."

Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed it to contain 5.7 per cent of commercial glucose. Adulteration was alleged for the reason that a certain substance other than almond paste, to wit, glucose, had been mixed with said article so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for said article.

On November 2, 1911, the case coming on for hearing, a jury was sworn and impaneled. Upon the introduction of the testimony of the witnesses both for the Government and the defendant, and the argument of counsel, the court, on November 3, 1911, charged the jury as follows:

CHARGE.

The COURT (MARTIN, J.): Gentlemen of the Jury: This case stands like any other criminal case—a man is charged with the violation of a statute, a statute of the United States. Now, in order to convict him, find a verdict of guilty, you must find that from evidence that satisfies you beyond a reasonable doubt.

Or, in other words, in all criminal cases, so sacred is our liberty and so well is it guarded under the law, that a man comes into court under the presumption of innocence, and that presumption obtains until it is overborne by evidence of guilt, beyond a reasonable doubt.

Now this man is charged with having violated what is called and known as the Pure Food Act. And I simply repeat what I have already said in your hearing to counsel, that it shall be unlawful for any manufacturer to manufacture within any territory of the United States any article of food or drug which is adulterated, or misbranded, within the meaning of this act. And then the word adulterated is defined, as has been read to you by the Assistant District Attorney, and the charge in this case is that the article which this man shipped—and it is conceded that he did ship it and put it into interstate commerce, so as to bring it within the purview of the law—the charge is, that this article so shipped was adulterated, in that a certain substance other than almond paste, to wit, glucose, had been mixed with said article, so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for said article.

Now you must be satisfied beyond a reasonable doubt, in order to convict, that this man did just what he is charged with doing in this complaint. So the question is one for you to determine under this evidence—that is, by the adding of this five per cent, if that is what the amount is, of glucose, mixing it as is termed here, did so reduce the product as to lower and injuriously affect its quality and strength. That is the question for you to pass upon. It would not be adulterated unless it had that effect.

Now the cross examination of the defendant, as to not naming glucose, can only be considered as bearing upon the intent because he is not charged with misbranding these goods. There is no claim here that he has falsely represented certain articles and things to be in this that are not there, but what they do say is, that the adding of this glucose has injuriously and materially reduced its value. Now how do you find that fact to be, on the evidence that has come into court here—what these people said about it—what the defendant himself has said about it. That is the question, gentlemen. That is a question, gentlemen, that you want to think of carefully.

It has been suggested that it won't drive this man out of business. Well, that may be so. But, a man having a business established, as the evidence shows that this man's business has been established, you should be careful before you pronounce him guilty. See to it that the evidence warrants you doing it, because by that decision you must of necessity affect his business. Take into consideration the whole history of this transaction; what was formerly used, and then withdrawn at the request and suggestion of the party having the Pure Food Act under administration, and the resorting to glucose, and whether glucose deteriorates, injures, is a matter for you to take into consideration, in view of the evidence that has come here upon the stand, and then say whether the adding of that glucose amounted to an adulteration, as charged in the complaint and defined in the statute.

Take the case, gentlemen.

Whereupon the jury retired and returned with a verdict of not guilty.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 16, 1912.



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1336.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF CHEESE.

On November 26, 1910, the United States Attorney for the District of Indiana, acting upon a report of a food inspector of the State of Indiana, duly authorized in respect thereto by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of twenty-six cases of cheese in the possession of the Elgin Dairy Co. The libel alleged that the cheese, after transportation from the State of Michigan into the State of Indiana, remained in the original unbroken packages, and was adulterated in violation of the Food and Drugs Act of June 30, 1906, because there had been added thereto a deleterious ingredient—to wit, borax—which rendered said article injurious to health, and that the same was therefore liable to seizure for confiscation.

On May 5, 1911, no one having appeared as claimant of said property, the court entered a final decree finding the cheese adulterated as alleged in the libel, and condemned and forfeited it to the United States and ordered its destruction by the marshal.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 26, 1912.

27913°—No. 1336—12





F. & D. No. 2745.
I. S. No. 17209-c.

Issued May 14, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1337.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF OYSTERS.

On October 26, 1911, the United States Attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said District against C. W. Martin Co., of Annapolis, Md., alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 2, 1911, from the State of Maryland into the District of Columbia of a quantity of oysters which were adulterated. The oysters were labeled (on tag) "A. J. White, 11 St. Wharf S. W., 5 gall. stds. Washington, D. C."

Examination of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: An average of 19,600,000 organisms per cubic centimeter on plain agar and the presence of 1,000,000 organisms of the *B. coli* type. Adulteration was alleged for the reason that the oysters consisted in part of a filthy, decomposed, and putrid animal substance, to wit, an excessive number of organisms, including the *B. coli* group.

On October 26, 1911, the defendant company pleaded nolo contendere and was fined \$5.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 26, 1912.

27913°—No. 1337—12



F. & D. No. 2817.
I. S. No. 2552-c.

Issued May 14, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1338.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF TOMATO PASTE.

On September 14, 1911, the United States Attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Salem Canning Co., a corporation, Daretown, N. J., alleging shipment by it, in violation of the Food and Drugs Act, on or about November 19, 1910, from the State of New Jersey into the State of Illinois, of a quantity of tomato paste which was adulterated. The product was labeled: "Conserva di pomidoro tomato paste red rossa. Packed for the King Cereal & Mfg. Co., Chicago, Ill. Bought of Thomas Roberts & Co., Philadelphia, Pa."

Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: 20,000 organisms per gram on dextrose agar, 4,000 organisms per gram on wort agar, and 10,000 gas-producing organisms in dextrose fermentation tubes. Microchemical analysis: Yeasts and spores, 300 per one-sixtieth cmm; bacteria, 500,000,000 per cc; mold filaments in 58 per cent of the fields. Adulteration was alleged for the reason that the said product consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance as shown by the aforesaid analysis.

On November 6, 1911, the defendant entered a plea of non vult and was fined \$5.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 26, 1912.

27913°—No. 1338—12



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1339.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF PINK ROOT.

At the March term, 1911, of the United States District Court for the Western District of Kentucky the United States Attorney for said district, acting upon a report by the Secretary of Agriculture, filed information in said court against Isaac Rosenbaum & Sons, alleging shipment by them, in violation of the Food and Drugs Act, on or about April 25, 1910, from the State of Kentucky into the State of Minnesota of a drug product denominated "Pink Root" which was adulterated and misbranded. The only label borne by said product was a tag reading "21264 Isaac Rosenbaum & Sons. Pink Root."

Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed that the product did not consist of pink root, that is, the rhizome or roots of *Spigelia marilandica* Linné, but that it was the rhizome and roots of an entirely different plant. Adulteration was alleged for the reason that the product was sold under a name recognized in the United States Pharmacopœia, but differed from the standard of strength, quality, and purity laid down therein, and the label contained no statement as to the standard of quality or purity of said product. Misbranding was alleged for the reason that the product was labeled "Pink Root," which represented it to conform to the standard prescribed by the United States Pharmacopœia when in fact it was not pink root but an unidentified substitute for said product, and therefore said representation was false and misleading and calculated to mislead and deceive the purchaser.

On September 19, 1911, the defendants pleaded guilty, and the court imposed a fine of \$10 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 27, 1912.

27913°—No. 1339—12



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1340.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF RICE.

On October 6, 1911, the United States Attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 17 bags of rice in the possession of Davidson Bros. Co. (Inc.). The product was labeled: "100 lbs. Extra Fancy Rice 1053 Coated with glucose and talc. Remove by washing before using. Domestic. 468. (stencil) Davidson Bros., Glasgow, Ky."

Examination of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed it to consist of rice grains so badly and finely broken that it could be classed as nothing more than rice screenings. The libel alleged that the product, after transportation from the State of Louisiana into the State of Kentucky, remained in the original unbroken packages and was misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Misbranding was alleged for the reason that the product was labeled in a manner to indicate that the rice was a high grade unbroken rice in good condition, when in fact the product was rice screenings composed of grains of rice finely broken, and the representation in the label was therefore false and misleading.

On November 9, 1911, the Burkenroad-Goldsmit Co. (Ltd.) filed claim to said property, but no answer, and the case was submitted to the court by agreement, whereupon the court found the product misbranded, as alleged in the libel, and entered a decree condemning and forfeiting it to the United States, but authorizing its release to the claimants upon the payment of costs and the execution of a bond in a good and sufficient sum conditioned that the product should not be again sold contrary to the provisions of law.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 26, 1912.

27913°—No. 1340—12



United States Department of Agriculture, OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1341.

SUPPLEMENTARY TO NOTICE OF JUDGMENT NO. 1153.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF PAPRIKA.

In Notice of Judgment No. 1153 report was made of the judgment of the District Court of the United States for the District of Maryland, entered in the case of the United States *v.* McCormick & Co. The information filed against the defendant corporation alleged the shipment, on or about March 11, 1910, from the State of Maryland into the State of Pennsylvania, in violation of the Food and Drugs Act, of a quantity of so-called pure paprika, which was misbranded. This Department had not been informed, when Notice of Judgment No. 1153 was issued, that the court accompanied the judgment by a statement setting forth its reasons for imposing a fine of 50 cents. The statement of the court, communicated by the United States attorney, under date of November 20, 1911, which is self-explanatory, was as follows:

The Court, being satisfied in this case that the failure to designate on the label the fact that the paprika was ground in oil was a mere omission of a subordinate employee, contrary to the instructions of the defendant, imposes a fine of fifty cents and requests that this statement be embodied in any publication of the sentence which may be made by the Department of Agriculture.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., November 28, 1911.



Issued May 14, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1342.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CORN MEAL.

On June 16, 1911, the United States Attorney for the District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district two libels praying condemnation and forfeiture of 58 sacks of meal in the possession of A. C. Watson & Son, and 70 sacks of meal in the possession of Durst Andrews Co., Greenwood, S. C. Each lot of the product was labeled as follows: "Choice water ground (design ear of corn) plain meal. Hazel Green Mills, Asheville, N. C. Guaranteed under Food & Drugs Act June 30, 1906 Serial No. 5988 Meal."

The Bureau of Chemistry of the United States Department of Agriculture, after investigation, reported that the product was not water-ground meal, as electricity was used in its manufacture, and that Hazel Green Mills are not the manufacturers, their plant having been long ago dismantled and that the product was manufactured by Asheville Milling Co. The libels alleged that the products after shipment by the Asheville Milling Co. from the State of North Carolina into the State of South Carolina remained in the original unbroken packages, and were misbranded in violation of the Food and Drugs Act of June 30, 1906, and were therefore liable to seizure for confiscation. Misbranding was alleged against the product in each information as follows: (a) The said article of food, to wit, corn meal, was branded and labeled as being choice water-ground meal, thereby representing and claiming and intending to represent and claim that the same had been manufactured and ground at and by a mill and machinery, the motive power of which was water power, whereas in truth and in fact, the said article of food, to wit, corn meal, so branded and labeled as aforesaid, was and had been manufactured and ground at and by a mill operated by electricity and not by water power. (b) The said article of food, to wit, corn

meal, was branded and labeled "Hazel Green Mills, Asheville, N. C.", thereby representing and claiming and intending to represent and claim that the same had been manufactured and ground at and by the Hazel Green Mills at Asheville, N. C., whereas in truth and in fact the said article of food, to wit, corn meal so branded and labeled as aforesaid, had been and was manufactured and ground at and by the mills and machinery of the Asheville Milling Co., of Asheville, N. C.

On July 29, 1911, the Asheville Ice & Coal Co., a corporation, filed a petition in each of the aforesaid cases, praying that it be permitted to intervene therein and file answers in said proceedings, and on August 10, 1911, the court entered an order allowing the aforesaid corporation to intervene and answer as prayed for. On October 25, 1911, the aforesaid corporation filed its answer denying that the meal was misbranded.

On October 26, 1911, the issues joined in said cases, having come on for trial before a jury, and the evidence introduced on behalf of the Government and claimant having been submitted, the court charged the jury as follows:

These are two proceedings brought for the condemnation of certain sacks of meal seized as being misbranded, under the Act of Congress. That Act of Congress is an Act passed in 1906, and is what we call a remedial Act. It is an Act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines and liquors, and for regulating traffic therein. Under that Act it is prohibited in the case of food to label or brand it so as to deceive or mislead the purchaser in any particular as to the food product which is contained in the package. If the package containing it was labeled with a particular statement, design or device regarding the ingredients or the substance therein, which statement, design, or device shall be false or misleading in any particular, in that case, under the terms of this Act, it is misbranded. Now, in the present case the point for you to decide is as to whether or not the device or design or statement contained upon the packages of meal was false or calculated to mislead. In such case they were misbranded, and on that point I charge you as matter of law: First, the question is not as to the quality or the character of the substance contained, or the meal contained in these packages, but it is as to the truthfulness, or the tendency to mislead of the statement printed on it.

As matter of law I charge you that a man when he purchases an article, has a right to buy whatever he pays his money for; it may be a pure fancy on his part, and it may be the veriest whim on his part, but if he stipulates in the contract that he is to buy certain specified articles, or an article prepared in a certain specified way, and that is the contract and the agreement, and he pays for it, then he is entitled to have it, although the result may be that he chooses to buy an inferior article at a higher price, he has the right to have what he pays for. Therefore in this case the question is not as to the character of the substance in here, not any question of moral turpitude, that defendant only furnished an inferior article, that does not come in; the question is as to whether these sacks of meal contained the article that they were stated to contain, or is the statement on them calculated to mislead and deceive the

person, i. e. the consumer, in buying the article that he intends to buy. Now, the evidence is that, in the first place, these sacks of meal were labeled "water-ground", and I charge you that it is a matter of fact for the jury to determine from the testimony whether these sacks, the meal in them, was water ground or not, and that depends upon the meaning of "water-ground", and that is for the jury to find.

The evidence here is that this meal was not ground by a mill as the old water mills were worked, by what is known as the direct application of water power, that is to say by the weight of water either by gravity, or velocity and gravity combined, acting directly upon the operative parts of the mill; that is what is meant by the direct application of water. The testimony is that it was what is called by the converted application of water, that is to say the power of water was first used in the application to a dynamo to generate electricity. When that electricity was generated that was transmitted from the point of generation to the different points of the location of the motors, thereby using those motors to apply power to these mills. The question is for the jury to say whether that was direct application, or whether it was converted or transmitted application of water power, just as you gentlemen may consider whether steam is a direct application of water power because it is water converted by the application of heat. So when you get steam from water power it is conversely nothing but the result of the vapor of water carried up by the heat of the sun, or the dryness of the atmosphere, recondensed and carried back to the earth in streams; therefore, it is for you to say whether or not this mill was run by the direct application of water from a stream or mill pond, or whether it was run by water in an indirect way. Now, those are matters for the jury; it is for you to say whether this meal was water ground, and in that is involved the question of what is water ground. What is water ground? Is it meal ground by the direct application of water in the recognized method of the application of water power, both by gravity and velocity to a water wheel, or does it include the application of electric power generated originally by water, but used not by direct application of water, but by conversion to a different form of power?

I charge you as matter of law, as to the meaning of water ground, that it is not a question whether or not the product or the meal might be exactly the same, if the power was applied by steam and electricity to burr stones, moving with the same rate of revolution. Now, it may be that the product of that grinding may be exactly the same. It may be that the product of meal ground between burr stones of the same size, of the same character, and moved at the same rate of revolution as if they were in an old water mill, although the power was secured from electricity, would produce exactly the same product, yet, I charge you as matter of law that if you find that was not water ground, according to the accepted definition of that product, then it is not water ground. It may be a mere fancy or whim, yet, if a man says "I want my meal ground at a mill worked by the direct application of water," and the fellow who sells him that meal says "Well, I tell you this is stuff ground that way," although it might be the same article in effect, yet if it was ground by electricity, it is a misstatement, so it is for the jury to determine whether in this case the term "water ground" meant meal ground according to the old method of direct application of water. If you find that it did mean so, then I charge you, if it meant that, that under this testimony, the testimony being that it was not ground in that way, that you will be authorized to find a verdict against these sacks of meal as misbranded.

Now, gentlemen, on the question of the second charge in this information, that they were misbranded because they had the term "Hazel Green Mills" on

them, when it was not ground at the old mill called Hazel Green Mill, it is also for the jury to say whether that term is calculated to mislead. That is a matter for you to decide also. I charge you that if it was ground in any other manner than you find was water ground, and if you find that the putting the meal in sacks was calculated to mislead the individual, the purchaser, who was stipulating for water ground and it was not water ground, then it would be your duty, and you would be justified and authorized to find a verdict against them.

Now, as to the term "Hazel Green Mills"—that depends upon two different matters: Whether that was a brand, or whether it was a designation of the location of manufacture. I charge you that brands may consist of all sorts of fancy names, and that a person may acquire a brand from manufacturing at one spot and move his factory, and if he produces the same article he is entitled to carry his brand, although he no longer manufactures at that place; that if he manufactured fancy wheat at Greenville or any other point and branded it wheat flour, and originally branded it with some brand referring to the locality and thereafter moved his mill, he had the right to carry his brand, provided two things: That the actual manufacture was not dependent upon something in that locality, and that the name was not calculated to mislead the consumers with regard to that fact. Therefore, if the Asheville Ice and Milling Company purchased the Hazel Green Mills, and the Hazel Green Mills had a brand known as the Hazel Green Flour, and that denoted a particular article which could be reproduced in Asheville by the same method, with the same result, they had the right to remove their brand, and they would not be guilty under this charge for using Hazel Green brand if it simply denominated a brand which had given currency to their flour, and was not misleading because of the character of the production in a certain designated locality; but if you find from the testimony that the name Hazel Green had an acceptation as referred to a method of production at Hazel Green which was not carried on in Asheville—that is to say, if the use of the words "Hazel Green" were calculated and intended to produce the impression that they were water ground at the old Hazel Green Mills, whereas in Asheville they were not ground by the direct application of water, but in another way, then I charge you it would be a misbranding.

It depends upon whether it is simply a brand designating the character or quality, or whether it is a brand which by the name misleads because it contains within it a statement that it must have been done in a particular locality because it would not be the same article if done elsewhere. If you find that that is the case, that the effect of calling it "Hazel Green" was a statement that it was done in a particular locality, and that the same article could not be produced elsewhere, so as to mislead the individual buyer who intended to buy an article produced in a certain way, under a statement that it was done there, then it would be misleading and would be misbranded. In these cases, gentlemen, your verdicts will be framed as follows:

"We find that the meal mentioned within was water ground, and we find that the designation 'Hazel Green Mills, Asheville, N. C.' was true." If you find in favor of the Government then read, "We find that the meal mentioned within was not water ground"; you will insert the word "not." If you find in favor of the claimant, that it was water ground, within the sense which I charge you, then you will not fill that; and you vary in the same way when you get to the other, because you say "and we find that the designation 'Hazel Green Mills, Asheville, N. C.' was true." Now, if you find in favor of the Government in that last you must put in the word "not"; if you find in

favor of the claimant you leave it as it is; date it and sign your name, remembering that the word "not" is to be inserted in both cases if you find in favor of the Government; if you find in favor of the claimant on either one, then you will leave it as it is.

Thereupon the jury rendered its verdict in each case in form as follows: "We find that the meal mentioned within was not water ground; and we find the designation 'Hazel Green Mills, Asheville, N. C.' was not true." On October 26, the court, pursuant to said verdict, entered its decree in each case, condemning and forfeiting said articles to the United States and ordering them to be sold by the marshal, but with the proviso that if the claimant, the Asheville Ice & Coal Co., should pay all costs and charges of the proceedings and execute in each case a good and sufficient bond in the sum of \$100, conditioned that said articles would not be sold or disposed of contrary to the provisions of said act of Congress or the laws of any State, Territory, or insular possession, that the marshal should deliver said articles to the claimant. The costs having been paid and the bonds given, the articles were forthwith delivered to the claimant, the said Asheville Ice & Coal Co.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 27, 1912.

1342



Issued May 14, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1343.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF BLOATERS.

On November 13, 1911, the United States Attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 200 cases of bloaters, found upon the premises of the Terminal Warehouse, in the city of Baltimore. The product was labeled: "100 Full Count Golden English Cured Cromarty Bloaters—Packed by Wm. H. Jordan & Co., Gloucester, Mass."

A sample of said product was submitted by the Bureau of Chemistry of the United States Department of Agriculture to the United States Fish Commission, which reported thereon as follows: "That the method of curing is such as generally followed by Gloucester firms and throughout New England; that Cromarty is a small herring fishing port on the coast of Scotland; Cromarty Firth is an arm of Moray Firth and doubtless yields herring; that these are not English cured fish, are not from Cromarty, and have nothing to do with Cromarty." The libel alleged that the product, after transportation from the State of Massachusetts into the State of Maryland, remained in the original unbroken packages, and was misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Misbranding was alleged in the libel as follows: (1) Because the said bloaters are then and there labeled so as to deceive and mislead the purchaser, in that it is then and there stated upon the cases containing the same that the contents are "English Cured Bloaters," when in truth and in fact the said bloaters are not English cured but are American cured;

(2) because the said bloaters are then and there labeled so as to deceive and mislead the purchaser, in that it is then and there further stated upon the said cases that the contents are Cromarty bloaters, Cromarty being a small herring fishing port on the coast of Scotland, and Cromarty Firth being an arm of Moray Firth, Scotland, when, in truth and in fact, said bloaters do not come from Cromarty and are in no way connected with Cromarty or Cromarty Firth; (3) because said bloaters purport to be a foreign product, to wit, "English Cured Bloaters," when, in truth and in fact, they are not English cured but American cured; (4) because said bloaters further purport to be a foreign product, to wit, Cromarty bloaters, Cromarty being a small herring fishing port on the coast of Scotland and Cromarty Firth being an arm of Moray Firth, Scotland, when in truth and in fact said bloaters do not come from Cromarty and are in no way connected with Cromarty or Cromarty Firth.

On November 15, 1911, the case coming on for hearing, William H. Jordan & Co. having filed claim and answer, the court entered a decree finding the product misbranded, as alleged in the libel, and condemning and forfeiting the same to the United States and ordering its destruction; but with a proviso, that the product might be released to the claimant upon the payment by it of the costs of the proceedings and the execution of a good and sufficient bond, conditioned that the product shall be properly labeled before any disposition is made of it. The costs being paid and the bond executed, the product was forthwith released to the claimant.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 27, 1912.

1343



F. & D. No. 2994.
S. No. 1087.

Issued May 14, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1344.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CHEESE.

On October 4, 1911, the United States Attorney for the District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 189 packages of cheese in the possession of F. W. Wagener & Co., Charleston, S. C. The product was labeled: "Selected Full Cream Cheese—Daisy Brand. Distributed by Geo. S. Hart Co., New York and Sheboygan, Wisconsin." Stenciled on cover were the words: "F. W. Wagener and Co., Charleston, S. C." In addition, each box bore figures indicative of the net weight.

The Bureau of Chemistry of the United States Department of Agriculture reported the said consignment as follows: "The marks on the package, according to custom of trade, indicate the net weight of the product and the cheese is invoiced and charged for accordingly. These marks vary from 18 to 24 inclusive, and total 4,504 pounds. The actual net weight of the cheese, as determined by weighing each cheese separately, was found to be 4,353 $\frac{3}{4}$ pounds, making a difference of 150 $\frac{1}{4}$ pounds, or a shortage of 3.33 per cent. This difference is not due to shrinkage or evaporation. The libel alleged that the product, after shipment by Geo. S. Hart Co. from the State of New York into the State of South Carolina, remained in the original unbroken packages, and was misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Misbranding was alleged in the libel as follows, to wit: "Each of the said one hundred and eighty-nine packages of cheese is and was in package form and the contents are and were stated in terms of weight, which said terms of weight are

not and were not correctly stated on the outside of each package, that is to say, upon the outside of each of said packages of cheese is and was then and there marked a number purporting to be the number of pounds of cheese contained in such package, each of which said numbers is and was then and there false and incorrect, in that the actual number of pounds of cheese contained in each of said packages, respectively, is and was then and there less than the number that is and was marked as aforesaid upon the outside of such package as aforesaid."

On November 16, 1911, the case coming on for trial and F. W. Wagener & Co. having appeared as claimants and filed answer, the court entered a decree finding the product misbranded, as alleged in the libel, and condemning and forfeiting the same to the United States, and ordering its release to the claimants upon the payment of all costs and the execution of a bond in the sum of \$100 conditioned that said product should be properly labeled and not sold or otherwise disposed of contrary to the provisions of the Food and Drugs Act. The costs being paid and the bond given, the product was forthwith released to claimant.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 27, 1912.*

1344



F. & D. No. 1288.
S. No. 467.

Issued May 14, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1345.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF AUNT JEMIMA'S SUGAR CREAM.

On March 3, 1910, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 25 cases of a product labeled "Aunt Jemima's Sugar Cream," in the possession of the Rosen-Reichard Brokerage Co. The product was labeled: "Aunt Jemima's Sugar Cream, a blend of rock candy and maple syrup creamed, contains 1/10 of 1% benzoate of soda, Rigney & Company, Brooklyn, N. Y."

Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: Polarization, direct, at 24° C., 90.0° V.; polarization, invert, at 24° C., 8.8; sucrose, Clerget, 70.16 per cent; polarization, invert, at 87° C., 28.0° V.; commercial glucose (factor 163), 17.15 per cent; dextrin, by alcohol precipitate, strongly positive test. The libel alleged that the product, after transportation from the State of New York into the State of Missouri, remained in the original unbroken packages, and was adulterated and misbranded, and was therefore liable to seizure for confiscation. Adulteration and misbranding were alleged in the libel as follows: Adulteration in this, to wit, that the syrup contained in said cans is not a blend of rock candy and maple syrup, as the label thereon purports, but is a liquid of which seventeen and fifteen hundredths per cent is glucose products and that said glucose products have been mixed with said syrup so as to reduce, lower, and injuriously affect its quality and

strength, and said glucose products have been substituted in part for rock candy and maple syrup in the compounding of the syrup contained in said cans; and further for the reason that the said cans are misbranded in this, to wit, that they do not contain a blend of rock candy and maple syrup, as the labels thereon purport, but contain a liquid of which seventeen and fifteen hundredths per cent is glucose products and that the labeling upon said cans, as aforesaid, is false and misleading and that said cans are so labeled and branded as to deceive and mislead the purchaser, and so as to offer the contents of said cans for sale under the distinctive name of another article.

On October 14, 1910, the case coming on for hearing and Rigney & Co. having appeared as claimant, the court entered a decree finding the product misbranded and ordered that the same shall not be sold or otherwise disposed of contrary to the provisions of the Food and Drugs Act or the laws of any State, Territory, District, or insular possession, and, it appearing to the court that the claimant, Rigney & Co., had paid the costs of said case and executed a sufficient bond conditioned that said property should not be sold contrary to the provisions of law, the court further ordered that the said product should be forthwith delivered to said claimant, Rigney & Co.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 27, 1912.

1345



Issued May 14, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1346.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF TOMATO KETCHUP.

On November 10, 1910, the United States Attorney for the Eastern District of Kentucky, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying condemnation and forfeiture of the following products: 75 cases of tomato ketchup in the possession of the Williamson & Bayless Co.; 101 cases and 25 crates of tomato ketchup in the possession of Curry, Brown & Snider; 50 cases of tomato ketchup in the possession of Gratt & Hukle; 100 cases of tomato ketchup in the possession of Bryan, Goodwin & Hunt; and 30 cases of tomato ketchup in the possession of the Joe Carl Grocery Co., all of the city of Lexington, Ky. The product in each case was labeled the same, as follows: (On bottles) "Trade—Sunny Side—Mark (Cut of face of the sun) Ketchup, not artificially colored. Contains tomatoes, pieces of tomatoes, sugar, salt, vinegar, onions, garlic, and spices. One tenth of 1% Benzoate of Soda, and manufactured for the Jersey Packing Co., Cincinnati, U. S. A." The cases in which said bottles were packed were labeled as follows: "2-Doz. 14 oz. Sunny Side Tomato Ketchup Contains 1/10 of 1% Benzoate of Soda. Manufactured for the Jersey Packing Co., Cincinnati, U. S. A."

Examination of a sample taken from said product by the Bureau of Chemistry of the United States Department of Agriculture showed it to contain 150 million bacteria per cubic centimeter and 63 yeasts and spores per one-sixtieth cubic millimeter, and in addition, mold filaments were found in 88 per cent of the microscopic fields examined. The case was certified to the United States Attorney because of adulteration, in that the product consisted in part of a filthy, decomposed, and putrid animal or vegetable substance. The said

attorney, however, after alleging in the libel that the ketchup, after shipment by the T. A. Snyder Preserve Co., of Cincinnati, Ohio, to the Curry, Brown & Snider Co., in the city of Lexington, Ky., by whom the consignment was distributed to the parties above mentioned, remained in the original unbroken packages and was adulterated in violation of the Food and Drugs Act of June 30, 1906, because it consisted in part of a filthy, decomposed, or putrid animal or vegetable substance, alleged further that said product was so adulterated as to render the same unfit for food, poisonous, and injurious to health, and was therefore liable to seizure for confiscation.

On December 20, 1910, the several cases coming on for hearing, and no one having appeared as claimant in any of said cases, the court found the product in each case adulterated as alleged in the libel, and entered a decree in each of said cases, condemning and forfeiting the product to the United States, and ordering its destruction by the marshal.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., January 27, 1912.

1346



Issued May 14, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1347.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF PICCADILLY DRY GIN.

On September 13, 1911, the United States Attorney for the Northern District of Illinois, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 5 cases of Piccadilly Dry Gin found in the possession of Louis Glunz, Chicago, Ill. The product was labeled: (On cases) "Conts 12 Bottles Piccadilly Dry Gin. Sutton Carden & Co. Ltd., Proprietors City of London Distillery London, New York." (On capsule) : "Sutton Carden & Co., Ltd., London." (On bottle) : "Piccadilly Dry Gin Sutton Carden & Co. Ltd. Finsbury Square, London, New York." (On wrapper with each bottle) "Sutton, Carden's Finest London Gins and Liqueurs. Grand Prix: Brussels Exhibition, 1910. Grand Prix and Gold Medal: Paris Exhibition, 1910. Gold Medal: Naples Exhibition, 1910."

The Bureau of Chemistry of the United States Department of Agriculture reported on said product as follows: "This gin was manufactured in New York at the establishment of Luyties Bros., 204 William Street. An investigation by the New York inspectors shows that this product is not imported, and furthermore shows that Luyties Bros. do not import any gin from London whatsoever. Luyties Bros. operate a still of a capacity of about 100 gallons daily. At the time of the inspection of the place of Luyties Bros., it was represented by the manager to the inspectors that the New York firm held a contract from Sutton, Carden & Co. (Ltd.), of London, which permitted the preparation of this product in a manner similar to the way in which it is produced in London, and the marketing of it in the United States exclusively by Luyties Bros. under the label quoted

above. . The whole label, especially when the capsule is taken into consideration on which no reference whatever is made to New York, and the wrapper referring exclusively to London gins, is false and misleading in that it creates the impression that the product is of foreign origin. The libel alleged that the product, after transportation from the State of New York into the State of Illinois, remained in the original unbroken packages, and was misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Misbranding was alleged in the libel as follows: "in that each of the said cases containing the bottles aforesaid, filled with the article of food aforesaid, composing the shipment aforesaid, bears a label in words and figures as follows, to wit, "Conts (same being an abbreviation for the word 'contents') 12 bottles Piccadilly Dry Gin Sutton Carden & Co. Ltd. proprietors City of London distillery London, New York," and each of the said bottles filled with the article of food aforesaid composing the shipment aforesaid bears the label in words and figures as follows, to wit, "Sutton Carden & Co. Ltd. London, Piccadilly Dry Gin, Sutton Carden & Co. Ltd., Finsbury Square, London, New York," which said statement upon the labels attached to each of the cases composing the shipment aforesaid, and which said statement contained in the labels attached to each of the bottles contained in the said cases composing the shipment aforesaid, are false and misleading in this, that the labels purport to state that the article of food contained in the bottles composing the shipment aforesaid was a foreign product manufactured in the city of London in England, in the Kingdom of Great Britain, whereas in truth and in fact the article of food contained in the bottles aforesaid and packed in the cases aforesaid was not manufactured in the city of London in England, in the Kingdom of Great Britain, but was manufactured in the city of New York in the State of New York.

On November 20, 1911, the case coming on for hearing and Sutton, Carden & Co. (Ltd.) having appeared as claimant of the product and filed answer to the libel, admitting all the allegations thereof, the court entered a decree finding the product misbranded as alleged in the libel, condemning and forfeiting the same to the United States, and ordering it to be sold by the marshal, but with a proviso that it might be delivered to the claimant, Sutton, Carden & Co. (Ltd.), upon the payment by said company of all costs and the execution of a sufficient bond in the sum of \$200, conditioned that the product should not be sold or in any manner disposed of contrary to law.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 27, 1912.

Issued May 14, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1348.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF GRAPE JUICE.

On August 16, 1910, the United States Attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Bass Islands Vineyards Co., alleging shipment by said company, in violation of the Food and Drugs Act, on or about June 29, 1909, from the State of Ohio into the State of Colorado of a quantity of grape juice which was misbranded. The product was shipped in bottles of two sizes, and labeled and branded as follows: "Bass Islands' Contents 12 ozs. Unfermented Grape Juice Guaranteed absolutely pure under the National Pure Food Law of 1906, and all other state and local Food laws in the United States. The Bass Islands' Vineyards Co., Sandusky, Ohio." Which said label was placed upon the bottles labeled and branded and claiming and purporting to contain 12 ounces of the product labeled as unfermented grape juice. The following label: "Star Grape Juice Unfermented Concord Contents 32 ozs. The Bass Islands' Vineyards, Sandusky, O. Guaranteed under the Food and Drugs Act, June 30, 1906, Serial No. 3682", was placed upon the bottles labeled and purporting to contain 32 ounces of grape juice.

Examination of samples of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results: In sample labeled: "Contents 12 oz." (I. S. No. 11660-b), 12 bottles were measured each of which was found to contain less than 12 ounces. Of these, maximum net contents were found to be 11.3 ounces, minimum 10.7 ounces, average 10.99 ounces. In sample labeled: "Contents 32 oz." (I. S. No. 11662-b), 6 bottles were measured, each of which was found to contain less than 32 ounces. Of these, maximum net contents were found to be 31.8

ounces, minimum 30.9 ounces, average 31.2 ounces. Misbranding was alleged for the reason that the product was in package form, to wit, in bottles, and the contents thereof stated on the labels in terms of weight and measure, that is to say, as containing 12 ounces and 32 ounces, respectively, but were not correctly stated, since the bottles labeled as containing 12 ounces contained an average of only 10.99 ounces, and the bottles labeled as containing 32 ounces contained an average of only 31.2 ounces.

On December 3, 1911, the defendant pleaded nolo contendere and was fined \$25 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *February 5, 1912.*

1348



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1349.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF APPLE CIDER VINEGAR.

On May 22, 1911, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against Earl Chandler, doing business as B. T. Chandler & Son, alleging shipment by him, in violation of the Food and Drugs Act, on or about August 24, 1910, from the State of Illinois into the State of Indiana of a quantity of apple cider vinegar which was adulterated and misbranded. The product was labeled: (Paster on barrel) "B. T. Chandler and Son, Chicago, Ill. Dayton, O. Manufacturers and wholesale dealers in high grade fermented apple cider vinegar. We guarantee our apple cider vinegar to be 40 grains strength, to weigh 2% in solids and to contain no coloring matter, acids or any added foreign substance of any kind and to meet the requirements of the Pure Food Laws of all States. To J. A. Balfe's Sons, LaFayette, Indiana."

Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: Solids (grams per 100 cc), 0.53; non-sugar solids (grams per 100 cc), 0.22; reducing sugar (grams per 100 cc), 0.31; per cent sugar in solids, 58.5; polarization, direct, +1.2; polarization, invert, +1.2; polarization, invert at 87° C., +1.2; ash (grams per 100 cc), 0.03; alkalinity of soluble ash (cc N/10 acid per 100 cc), 2.0; soluble P₂O₅ (mg per 100 cc), 0.43; insoluble P₂O₅ (mg per 100 cc), 4.44; total acid as acetic (grams per 100 cc), 3.96; volatile acid as acetic (grams per 100 cc), 3.96; fixed acid as malic (grams per 100 cc), none; lead precipitate, light; color, degrees, brewer's scale 0.5 in., 2.0; color removed by fuller's earth, 40 per cent; alcohol precipitate (grams per 100 cc), 0.025; pentosans (grams per 100 cc), 0.0378. Adulteration of said product was alleged in the information, in that a certain substance, to wit, a dilute solution of acetic acid, had been substituted wholly for said article, and for the further reason

that a substance, to wit, a dilute solution of acetic acid, had been mixed and packed with said article of food so as to reduce its quality and strength, and for the further reason that a certain substance, to wit, a certain artificial coloring matter the exact character whereof is to the said United States Attorney unknown, was then and there mixed with the said article of food in a manner whereby the inferiority of said article was concealed. Misbranding was alleged for the reason that the label represented said product to be apple cider vinegar, which statement was false and misleading, because said product did not consist of apple cider vinegar of the strength or quality stated on the label, but consisted wholly of a dilute solution of acetic acid, colored to imitate apple cider vinegar.

On November 13, 1911, the defendant entered a plea of guilty and on November 14, 1911, was fined \$100 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 27, 1912.

1349



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1350.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF GERMAN HEADACHE POWDER.

On February 21, 1911, the grand jurors of the United States, within and for the Northern District of New York, upon presentation by the United States Attorney, acting upon a report of the Secretary of Agriculture, returned an indictment to the District Court of the United States for said district against Warren D. Tallman, charging shipment by him, in violation of the Food and Drugs Act, on or about April 18, 1910, from the State of New York into the State of Louisiana, of a quantity of a drug called German Headache Powder which was misbranded. The product was labeled: "German Headache Powder. Sure, Safe and Prompt Relief for Sick and Nervous Headache, Neuralgia, Rheumatic Pains, Sour Stomach, Toothache, and the after effects of Alcoholic Stimulants. . . Prepared by Warren D. Tallman, Syracuse, N. Y." Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results:

Weight.	Residue.	Caffein.	Acetanilid.
Grams.	Per cent.	Per cent.	Per cent.
0.9330	75.95	2.10	21.63
1.0944	75.98	2.11	21.66

Acid, probably citric, present; lactose, present.

Misbranding was alleged in the information because the label and representations and statements contained thereon were false and misleading and tended to deceive, in that said headache powder was not in fact a sure, safe, and prompt relief for sick and nervous headache, neuralgia, rheumatic pains, sour stomach, toothache, and the after effects of alcoholic stimulants, and further because said product was not a German headache powder but was of domestic manufacture and was not a foreign product.

On April 6, 1911, the defendant pleaded guilty and was fined \$25.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 27, 1912.

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FOODS.

Alaga Alabama-Georgia syrup:	N. J. No.	Cheese, Cream:	N. J. No.
Alabama-Georgia Syrup Co.....	1187	Hart, Geo. S., & Co.....	1344
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Jahn, W. K., Co.....	1300	Cherries:	
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Almond paste:		Cherries, Maraschino:	
Heide, Henry.....	1335	Armour & Co.....	1327
Apple and sugar, Preserved peach:		Cherry jam. (<i>See Jam, Cherry.</i>)	
St. Louis Syrup & Preserving Co.....	1038	Chocolate:	
Apple chops, Evaporated:		Brewster Cocoa Mfg. Co.....	1332
Groucher & Packard.....	1313	Cider vinegar. (<i>See Vinegar.</i>)	
Apple cider vinegar. (<i>See Vinegar.</i>)		Cinnamon extract. (<i>See Extract, Cinnamon.</i>)	
Apple flavor jelly (<i>See Jelly, Apple flavor.</i>)		Clams:	
Apple vinegar. (<i>See Vinegar.</i>)		Aubin, D.....	1318
Apples:		Clams, Little Neck:	
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Kimble, S. & J., & Co.....	1330	Whitney, Farrington.....	1204
Teasdale Fruit & Nut Products Co.....	1323	Color, Egg. (<i>See Egg color.</i>)	
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Apricot jam. (<i>See Jam, Apricot.</i>)		Forbes, James H., Tea & Coffee Co.....	1057
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Rigney & Co.....	1345	Forbes, James H., Tea & Coffee Co.....	1057
Banana extract. (<i>See Extract, Banana.</i>)		Color, Yellow cake:	
Black olives. (<i>See Olives.</i>)		Forbes, James H., Tea & Coffee Co.....	1057
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Jordan, William H., & Co.....	1343	Continental Cereal Co.....	1293, 1294
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Russell, Edward T., & Co.....	1154	Corn bran. (<i>See Bran, Corn.</i>)	
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Bradley Bros.....	1071	Grain Products Co.....	1042
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Wright, Stillman, & Co.....	1325	Corn meal:	
Butter:		Asheville Ice & Coal Co.....	1342
Pond, S. P., Co. (Inc.).....	1018	Asheville Milling Co.....	1342
Butter, Cane and maple sugar:		Booth, B. D., & Co.....	1198, 1323
Marshalltown Syrup & Sugar Co....	1121, 1122	Cottonseed meal:	
Butter, Wisconsin Creamery. (<i>See Oleomargarin.</i>)		Buckeye Cotton Oil Co.....	1223
Candy:		Wells, J. Lindsay, Co.....	1109
Bradley-Smith Co.....	1244	Cracked corn. (<i>See Corn, Cracked.</i>)	
Candy, London creams:		Crackers, Grant's hygienic:	
Bradley-Smith Co.....	1243	Hygienic Health Food Co.....	1265
Cane and maple sugar butter:		Cream:	
Marshalltown Syrup & Sugar Co....	1121, 1122	Braun, Charles.....	1259
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Cheese:		Johnson, A. E., jr.....	1214
Algoma Produce Co.....	1002	Kephart, George M.....	1307
Barber, A. H., & Co.....	1186	Mainhart, Charles C.....	1138
Elgin Dairy Co.....	1336	Moock, George B.....	1259
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Stevens, S. J., & Co.....	1183	Thompson, William M.....	1160
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¹ For index of Notices of Judgment 1-1000, see Notice of Judgment 1000; future indexes to be supplementary thereto.

FOODS—Continued.

	N. J. No.		N. J. No.
"Crème wafels":		Extract, Peppermint:	
De Boer & Dik.....	1039	Christiani Drug Co. (Inc.).....	1126
Crystal eggs. (<i>See</i> Eggs, Crystal.)		Fleischmann-Clark Co.....	1238
Currant preserves. (<i>See</i> Preserves, Currant.)		Lyons, E. G., & Raas Co.....	1247
Desiccated eggs (<i>See</i> Eggs, Desiccated.)		Rosenblatt Co.....	1230
Dried egg albumen:		Extract, Pineapple:	
Jahn, W. K., Co.....	1300	Forbes, James H., Tea & Coffee Co.....	1057
Drips. (<i>See</i> Sirup.)		Extract, Pistachio:	
Egg color:		Western Candy & Bakers Supply Co....	1041
Wood & Selick.....	1103	Extract, Raspberry:	
Egg noodles. (<i>See</i> Noodles, Egg.)		California Perfume Co.....	1217
Egg product:		Forbes, James H., Tea & Coffee Co.....	1057
St. Louis Crystals Egg Co.....	1108	Wellman, Peck & Co.....	1212
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St. Louis Crystals Egg Co.....	1100, 1102	Forbes, James H., Tea & Coffee Co.....	1057
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Armour & Co.....	1005	California Perfume Co.....	1217
Crandall Petee Co.....	1143	Forbes, James H., Tea & Coffee Co.....	1057
Meyers & Hicks.....	1174	Wellman, Peck & Co.....	1212
National Bakers Egg Co.....	1185	Extract, Vanilla:	
Smithson, Robert.....	1331	Aeme Extract & Chemical Works.....	1292
Weaver, C. H., & Co.....	1074	Baumgartner, Andrew, Co.....	1281
Eggs, Dried (albumen):		Conwell, S. D., & Co.....	1216
Jahn, W. K., Co.....	1300	Christiani Drug Co. (Inc.).....	1126
Eggs, Frozen:		Compton, Charles.....	1029
Dennett Howard Co.....	1116	Eddy & Eddy Mfg. Co.....	1118
Iowa Butter & Egg Co.....	1321	Haigh, William.....	1289
Kalchheim, Henry, & Co.....	1046	Manhattan Importing Co.....	1150
Keith, H. J., Co. (Inc.).....	1027	Pan American Mfg. Co.....	1153
Omaha Cold Storage Co.....	1296	Righter Mfg. Co.....	1031
Eggs, Preserved whole:		St. Louis Coffee & Spice Mills.....	1099
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Newman, Ad., & Son.....	1202	Weston, Edward, Tea & Spice Co.....	1096
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Evaporated milk. (<i>See</i> Milk, Evaporated.)		California Perfume Co.....	1217
Extract, Almond:		Extract, Wintergreen:	
California Perfume Co.....	1217	Christiani Drug Co. (Inc.).....	1126
Forbes, James H., Tea & Coffee Co.....	1057	Feeds, Continental gluten:	
Extract, Almond (bitter):		Continental Cereal Co.....	1293, 1234
Christiani Drug Co. (Inc.).....	1126	Feeds, Hammond dairy:	
Extract, Banana:		Western Grain Products Co.....	1094
Forbes, James H., Tea & Coffee Co.....	1057	Feeds, Peerless:	
Extract, Cinnamon:		Smith, J. Allen & Co. (Inc.).....	1141
California Perfume Co.....	1217	Feeds, Peerless horse:	
Extract, Ginger:		Kidder, F. L. & Co.....	1176
Forbes, James H., Tea & Coffee Co.....	1057	Feeds. (<i>See also</i> Corn, Cracked; Middlings; Oats.)	
Extract, Lemon:		Figs:	
California Perfume Co.....	1229	Kusykin, J., & Co.....	1246
Carpenter-Cook Co.....	1147	Fish. (<i>See</i> Bloater; Herring; Shad.)	
Christiani Drug Co. (Inc.).....	1126	Flavor. (<i>See</i> Extract.)	
Compton, Charles.....	1029	Flour. (<i>See</i> Buckwheat flour.)	
Cook, Charles I.....	1147	Frozen eggs. (<i>See</i> Eggs, Frozen.)	
Denmerry, Charles.....	1188	Fruit jelly. (<i>See</i> Jelly, Fruit.)	
Horton-Cato Mfg. Co.....	1266	Fruit sirups. (<i>See</i> Sirups.)	
Merten & Co.....	1264	Gelatin:	
Michigan Refining & Preserving Co.....	1147	Chalmers', James, Sons.....	1127, 1128
Schorndorfer & Eberhard Co.....	1314	Ginger extract. (<i>See</i> Extract, Ginger.)	
Extract, Orange:		Gluten feed, Continental:	
California Perfume Co.....	1217	Continental Cereal Co.....	1293, 1294
Forbes, James H., Tea & Coffee Co.....	1057	Grant's hygienic crackers:	
Extract, Peach:		Hygienic Health Food Co.....	1265
Forbes, James H., Tea & Coffee Co.....	1057		

FOODS—Continued.

	N. J. No.	Milk:	N. J. No.
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Hammond dairy feed:		Bayliss, George H.....	1137
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Herring:		Bohke, Chris.....	1083
Crilly, J. H.....	1253	Braun, Charles	1259
Honey:		Coffee, James F.....	1083
Deiser, Albert A., & Co.....	1123	Cox, James.....	1083
Hotch, Vermont maple butter:		Grove, John W.....	1310
Maple Tree Sugar Co.....	1164	Hildebrand, George L.....	1209
Ice cream cones:		Hudson, Leonard.....	1083
Consolidated Wafer Co. (Inc.).....	1073	Koechlin, E. J.....	1083
Eagle Mfg. Co.....	1315	McAvoy, Dan.....	1083
Star Wafer Co.....	1301	Mooock, George B.....	1259
Jam, Apricot:		Null, Wm. C.....	1133
McMechen Preserving Co.....	1276	Orme, Wm. H., Jr.....	1134
Jam, Blackberry:		Oser, Charles.....	1083
McMechen Preserving Co.....	1276	Plump, J. T.....	1083
National Pickle & Canning Co. (Dodson-Braun Branch)	1097	Regel, Henry.....	1092
Jam, Cherry:		Rounds, E. R.....	1130
California Fruit Canners' Association....	1235	Schuck, A. H.....	1083
Jam, Grape:		Schuck, Jerome.....	1083
California Fruit Canners' Association....	1249	Schulte, L. H.....	1083
Jam, Peach:		Shorten, J. W.....	1129
McMechen Preserving Co.....	1276	Smith, Charles E.....	1083
Jam, Quince:		Smith, Howard L.....	1161
McMechen Preserving Co.....	1276	Thomas, Harry L.....	1311
Jam, Raspberry:		Thomas, Russel C.....	1236
McMechen Preserving Co.....	1276	Walter, Chas. A.....	1132
Jam, Strawberry:		Zimmerman, Benjamin F.....	1131
California Fruit Canners' Association....	1235	Milk, Condensed:	
McMechen Preserving Co.....	1276	Delavan Condensed Milk Co.....	1028
Jelly, Apple flavor:		Libby, McNeill & Libby.....	1117
McMechen Preserving Co.....	1276	White Hall Condensed Milk Co.....	1069
Jelly, Fruit:		Milk, Evaporated:	
Huffman, W. D.....	1207	Faultless Condensed Milk Co.....	1052
Indianapolis Canning Co.....	1207	M. & O. Milk Co.....	1114
Scully, D. B., Syrup Co.....	1172	Milk, Powdered:	
Jelly, Raspberry:		Merrell-Soule Co.....	1303
California Fruit Canners' Association....	1235	Tulin, William J.....	1033
Ketchup. (<i>See</i> Tomato ketchup.)		Mincemeat:	
Lemon oil:		Brenneman, W. H.....	1067
Heine & Co.....	1220	Moyne brand extracts:	
London creams (candy):		Forbes, James H., Tea & Coffee Co.....	1057
Bradley-Smith Co.....	1243	Mushrooms:	
Macaroni:		Arbuckle & Co.....	1037
Maull Bros.....	1278	Mustard:	
Spiropoulos & Costalupes.....	1324	Mount Pickle Co.....	1319
Youngstown Mfg. Co.....	1145	Wilde, Joseph P.....	1239
Macaroni: (<i>See also</i> Noodles; Spaghetti.)		Noodles, Egg:	
Maple butter hotch, Vermont:		Maas Baking Co.....	1181
Maple Tree Sugar Co.....	1164	Noodles. (<i>See also</i> Macaroni; Spaghetti.)	
Maple sugar:		Northern Ohio sugar:	
Arcadia Maple Co.....	1309	Standard Syrup Co.....	1101
Brokaw Merchandise Co.....	1015	Nutmegs:	
Standard Syrup Co.....	1101	German, Lewis & Co.....	1180
Maple sugar butter, Cane and:		Oats:	
Marshalltown Syrup & Sugar Co....	1121, 1122	Gibbons, John T.....	1250
Maraschino cherries. (<i>See</i> Cherries, Maraschino.)		Grier, T. A., & Co.....	1165
Meal. (<i>See</i> Corn meal; Cottonseed meal.)		Logan, Thomas M.....	1171
Middlings:		Pendleton Grain Co. (Inc.).....	1250
Model Mill Co. (Inc.).....	1142	Rothschild, D., Grain Co.....	1203
		Wells, Jos. L.....	1146
		Oil. (<i>See</i> Lemon oil; Olive oil.)	

FOODS—Continued.

	N. J. No.	Rice—Continued.	N. J. No.
O'leomargarin:			
Steele, Jesse A.....	1115	Griggs, Cooper & Co.....	1177
Wisconsin Creamery Co.....	1115	Louisiana Molasses Co.....	1030
Olive oil:		Rose geranium extract. (<i>See Extract, Rose geranium.</i>)	
Barbara, Frank.....	1305	Rosebud drips sirup:	
Carrao, Francesco.....	1155	Gordon Syrup & Pickle Co.....	1240
Cusimano & Tujague Co.....	1062	Saffron:	
Tujague, Leon.....	1062	Bubl Mills Co.....	1288
Olives:		Proctor, William M., Co.....	1288
Greek Trading Co.....	1275	Sardines:	
Psiaki, Aleo G.....	1047, 1048	New, Frank, Co.....	1299
Orange extract. (<i>See Extract, Orange.</i>)		Shad:	
Orange sirup. (<i>See Sirup, Orange.</i>)		———	1087
Oysters:		———	1088
Decker, Garrett F., & Co.....	1192	Claxton, Richard W.....	1021
Martin, C. W., Co.....	1337	Shelled eggs. (<i>See Eggs, Shelled.</i>)	
Paprika:		Sirup, Alaga Alabama-Georgia:	
Atlantic & Pacific Tea Co.....	1066	Alabama-Georgia Syrup Co.....	1187
McCormick & Co... 1153, 1341 (suppl. to 1153)		Sirup, Orange (blood):	
Peach, apple, and sugar, preserved:		Stewart & Holmes Drug Co.....	1156
St. Louis Syrup & Preserving Co.....	1038	Sirup, Raspberry:	
Peach extract. (<i>See Extract, Peach.</i>)		Stewart & Holmes Drug Co.....	1156
Peach jam. (<i>See Jam, Peach.</i>)		Sirup, Rosebud drips:	
Peaches:		Gordon Syrup & Pickle Co.....	1240
Seeley, A. B., & Son.....	1262	Sodic aluminate sulphate:	
Peanuts:		Superior Chemical Co.....	1105
Edenton Peanut Co.....	1263	Spaghetti:	
Peas:		Spiropoulos & Costalupes.....	1324
Boyle, John, Co.....	1280	(<i>See also Macaroni, Noodles.</i>)	
Peerless feed:		Strawberry extract. (<i>See Extract, Strawberry.</i>)	
Smith, J. Allen, & Co. (Inc.).....	1141	Strawberry jam. (<i>See Jam, Strawberry.</i>)	
Peerless horse feed:		Strawberry preserves. (<i>See Preserves, Strawberry.</i>)	
Kidder, F. L., & Co.....	1176	Sugar-corn flakes:	
Pepper:		Grain Products Co.....	1042
Cobb Mfg. Co.....	1257	Scudders-Gale Grocery Co.....	1042
Eddy & Eddy Mfg. Co.....	1118	Sugar, Maple. (<i>See Maple sugar.</i>)	
Pepper, Cayenne:		Sugar, Northern Ohio:	
Hanley & Kinsella Coffee & Spice Co....	1013	Standard Syrup Co.....	1101
Peppermint extract. (<i>See Extract, Pepper-mint.</i>)		Sulphate, Sodic aluminate:	
Phosphate:		Superior Chemical Co.....	1105
Provident Chemical Works.....	1203	Tomato ketchup:	
Pineapple extract. (<i>See Extract, Pineapple.</i>)		Anderson Canning Co.....	1004
Pistachio extract. (<i>See Extract, Pistachio.</i>)		Atlas Preserving Co.....	1269
Preserved peach, apple, and sugar:		Bicklen Winzer Grocer Co.....	1329
St. Louis Syrup & Preserving Co.....	1038	Blue Grass Canning Co.....	1195
Preserves, Currant:		Burlington Vinegar & Pickle Co.....	1003
Flacucus, E. C., Co.....	1081	California Fruit Canners' Association....	1235
Preserves, Strawberry:		Chance's, R. C., Sons.....	1006
Knights, Alonso A., & Son.....	1302	Edler, Fred C.....	1054
Purée, Tomato. (<i>See Tomato purée.</i>)		Frazier Packing Co.....	1162, 1163, 1175
Quince jam. (<i>See Jam, Quince.</i>)		Guenther, J. Ed.....	1320
Raisins:		Harbauer-Marleau Co.....	1034, 1316, 1329, 1334
Griffith, R. C., & Co.....	1274	Huss-Edler Preserve Co.....	1054
Raspberry extract. (<i>See Extract, Raspberry.</i>)		Kokoma Canning Co.....	1224
Raspberry jam. (<i>See Jam, Raspberry.</i>)		Leroux Cider & Vinegar Co.....	1095
Raspberry jelly. (<i>See Jelly, Raspberry.</i>)		Lewis Packing Co.....	1241
Raspberry sirup. (<i>See Sirup, Raspberry.</i>)		McCord-Brady Co.....	1034
Rice:		McMechen Preserving Co.....	1080, 1276
Alliance Rice & Milling Co.....	1177	National Pickle & Canning Co. (Dodson-Braun Branch).....	1072, 1098
Burkenroad-Goldsmit Co. (Ltd).....	1340	New Blue Grass Canning Co.....	1320
Cormier, Chas. E., Rice Co.....	1177		

FOODS—Continued.

	N. J. No.	N. J. No.
Tomato ketchup—Continued.		
Philadelphia Pickling Co.	1075	Tonka extract, Vanilla and. (<i>See Extract, Vanilla and tonka.</i>)
Polk, J. T., Co.	1090	Vanilla extract. (<i>See Extract, Vanilla.</i>)
Pressing & Orr Co.	1213	Vanilla tonka and compound:
Snyder, T. A., Preserve Co.	1346	Creamery Dairy Co. 1306
Soper, A. C., & Co.	1055, 1326	Hudson Mfg. Co. 1306
Spraul, George, Packing Co.	1044, 1271 (suppl. to 1044)	Vermont maple butter hotch:
Weller, H. N., & Co.	1196	Maple Tree Sugar Co. 1164
Weller, J., Co.	1199, 1201	Vinegar:
Tomato ketchup, Oyster Bay Brand:	1085 1036
Tomato ketchup, Pioneer Brand:	1086	Barrett & Barrett. 1206
Tomato paste:		Board, Armstrong & Co. 1023, 1297
Horner, Henry, & Co.	1008	Callahan, A. P., & Co. 1151
Kelty, Samuel L.	1227	Chandler, B. T., & Son. 1050, 1059, 1349
Polinsky, H.	1001	Chandler, Earl. 1349
Roncoroni, Pietro, Co.	1053, 1065, 1231	Erdmann's, H., Sons. 1184
Salem Canning Co.	1338	Fleischman Vinegar Works. 1285
Tomato pulp:		Gregory, D. J., Vinegar Co. 1308
Ayars, B. S., & Sons Co.	1064	Harbauer-Marleau Co. 1193, 1287
Guenther, J. Ed.	1320	Lewis Packing Co. 1241
Hearn Co.	1267	Louisville Cider & Vinegar Works. 1225
Lord-Mott Co.	1107	Oakland Vinegar & Pickle Co. 1060
New Blue Grass Canning Co.	1320	Prussing Bros. 1304
Phillips Packing Co.	1261	Queen City Cider Vinegar Mfg. Co. 1110
Summers, Charles G., & Co. (Inc.)	1268	Robinson Cider Vinegar Co. 1258
Torsch Packing Co.	1270	Sharp Elliott Mfg. Co. 1007
Tomato purée:		Southern Cider & Vinegar Co. 1252
Guenther, J. Ed.	1320	Spielmann Bros. Co. 1159, 1200, 1298
New Blue Grass Canning Co.	1106, 1320	Vermont Fr. it Co. 1167
Tomato sauce:		Wilson, W. J., & Son. 1119, 1120, 1290
Gross, Ignatius, Co.	1242	Zinke Mercantile Co. 1050
Tomatoes:		"Wafels, Crème":
Ayars, Clinton B., Canning Co.	1237	De Boer & Dik. 1039
Polk, J. T., Co.	1090	Wheat:
Tonka and compound, Vanilla:		Hall Baker Grain Co. 1135, 1173
Creamery Dairy Co.	1306	Walker Grain Co. 1173
Hudson Mfg. Co.	1306	Wintergreen extract. (<i>See Extract, Wintergreen.</i>)

BEVERAGES, INCLUDING WATERS AND MEDICATED DRINKS.

	N. J. No.	N. J. No.
Apricot brandy. (<i>See Brandy, Apricot.</i>)		Coffee:
Beer:		Bour, J. M., Co. 1286
Benwood Brewing Co.	1272	Brokaw Merchandise Co. 1014
"Bernardine":		Climax Coffee & Baking Powder Co. 1017
Lyons, E. G., & Raas Co.	1247	(suppl. to 55)
Berry Hill mineral water:		Force, W. H., & Co. 1317
Berry Hill Mineral Spring Co.	1251	International Coffee Co. 1190, 1191, 1233
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Arrow Distilleries Co.	1205	Kenny, C. D., Co. 1279
Lyons, E. G., & Raas Co.	1247	McLaughlin, W. F., & Co. 1112
Brandy, Apricot:		Mitchell Bros. 1317
Schlesinger & Bender.	1248	Smith Bros. Co. (Ltd.). 1295
Brandy, Ginger:		Wilde's, Samuel, Sons Co. 1125
Schlesinger & Bender.	1248	Coffee essence:
"Cacao, Crème de":		Zverina, A. 1189
Lyons, E. G., & Raas Co.	1247	Cordial. (<i>See Blackberry cordial.</i>)
"Cassis, Crème de":		"Crème de Cacao":
Lyons, E. G., & Raas Co.	1247	Lyons, E. G., & Raas Co. 1247
Champagne. (<i>See Wine, Champagne.</i>)		"Crème de Cassis":
Cherry soda-water flavor, Special wild:		Lyons, E. G., & Raas Co. 1247
Blue Seal Supply Co.	1040	Curaçao, Orange:
		Lyons, E. G., & Raas Co. 1247

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Gin, Mobile Buck:	
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Gin, Piccadilly dry:	
Sutton, Carden & Co. (Ltd.)	1347
Gin, Turkey:	
Straus, Gunst & Co.	1255
Ginger ale:	
Beaufont Lithia Water Co.	1026
Ginger brandy. (<i>See</i> Brandy, Ginger.)	
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Duroy & Haines Co.	1283
Flickinger, S. M., Co.	1045
Granger, W. H., & Co.	1045
Grape Products Co. (Inc.)	1045
Plimpton, Cowan & Co.	1045
Mobile Buck Gin:	
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Orange curaçao. (<i>See</i> Curaçao, Orange.)	
Piccadilly dry gin:	
Sutton, Carden & Co. (Ltd.)	1347
Royal lithia water:	
Anderson, William H.	1032
Sirup, Tamarin':	
Bernogozzi, W. P.	1082
Soda-water flavor, Cherry:	
Blue Seal Supply Co.	1040
Soda-water sirup cola:	
Hutchinson, W. H., & Son	1031
Special wild-cherry soda-water flavor:	
Blue Seal Supply Co.	1040
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Antikamnia tablets:	N. J. No.
Antikamnia Chemical Co.	1056
Antimalario, Ferro-China:	
Saunig, A., & Co.	1222
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Tucker, Nathan	1077
Asthma cure, Stello's:	
Muller, William H.	1179
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Maiolatesi, D., & Co.	1284
Bitters (Fernet Milano):	
Italian Importing Co.	1152
Bitters, Ferro-China Bisleri-Bisleri's:	
Maiolatesi, D., & Co.	1284
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Senoret Chemical Co.	1232
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Cherry balsam, Dr. Kennedy's:	
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Water, Tate Spring natural mineral:	
Tate Spring Co.	1140
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Whittle Springs Co.	1139
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Schmidt, A., jr., & Bros. Wine Co.	1016 (suppl. to 83)
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Kennedy, Dr. David, Co.....	1234	Towns', Dr., epilepsy treatment:	
Kline's, Dr., great nerve restorer:		Towns', Dr. Medical Co.....	1170
Kline, Dr. R. H., Co.....	1070	Tucker's, Dr., specific for asthma:	
Kopp's Baby's Friend:		Tucker, Nathan.....	1077
Kopp, Mrs. J. A.....	1068	Turpentine:	
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Issued May 15, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1351.

(Given pursuant to section 4 of the Food and Drugs Act.)

ALLEGED MISBRANDING OF CANDY.

On October 26, 1911, the United States Attorney for the District of Maryland, acting upon a report of the Secretary of Agriculture, filed an information in the District Court of the United States for said district against James E. Schaeffer, alleging shipment by him, in violation of the Food and Drugs Act, on October 13, 1910, and December 10, 1910, from the State of Maryland into the State of Pennsylvania of a quantity of candy which was misbranded. The products were labeled: (I. S. 9057-c) "Schaeffer's Assorted Pecan Creams, J. E. S., Baltimore, Md." (I. S. 3759-c) "Chocolate Cherry Fudge, J. E. S. Baltimore, Md. (Guaranty legend.)"

Analyses of samples of said products made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: (I. S. 9057-c, assorted pecan creams) Saponification number on coating, 325. (I. S. 3759-c, chocolate cherry fudge) Saponification number on coating (on 0.625 gram), 256. Iodine number on coating (Hübl, 18 hours), 14.5. The chemical analyses show each of these products to be coated with a resinous substance not declared upon the label.

Misbranding was alleged against the product labeled "Schaeffer's Assorted Pecan Creams" for the reason that the label was false and misleading in this, to wit, that it represented said product to be pecan creams, when in fact said product was not pecan creams, but was pecan creams together with a certain resinous substance in the nature of shellac, said substance not being a normal constituent of pecan creams. Misbranding was further alleged against this product for the reason that it was labeled so as to deceive and mislead the purchaser in that the label bore the statement that the product was "Schaeffer's Assorted Pecan Creams," which said statement was false.

and misleading because the product was not pecan creams but was pecan creams together with a certain resinous substance in the nature of shellac, said substance not being a normal constituent of pecan creams.

Misbranding was alleged against the product labeled "Chocolate Cherry Fudge" because the labeling was false and misleading in this, that the said product was not chocolate cherry fudge, but was chocolate cherry fudge and a certain resinous substance in the nature of shellac, said substance not being a normal constituent of chocolate cherry fudge, and for the reason that said product was so labeled as to deceive and mislead the purchaser, in that it bore the statement on the label that the contents were chocolate cherry fudge, which statement was false and misleading because said product was not chocolate cherry fudge, but was chocolate cherry fudge and a certain resinous substance in the nature of shellac, said substance not being a normal constituent of chocolate cherry fudge.

On November 10, 1911, the case was tried by a jury which brought in a verdict of not guilty and the court entered a judgment of acquittal.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., February 5, 1912.

1351



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1352.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF CATSUP.

On November 12, 1910, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 448 cases of catsup in the possession of Haas-Lieber Grocer Co., St. Louis, Mo. The product was labeled: "Pilot Brand Table Catsup. Contains 1.10 of 1% Benzoate of Soda. Distributed by Haas-Lieber Grocer Co., St. Louis, Mo."

An analysis of a sample of said product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to contain 160,000,000 bacteria per cubic centimeter and 57 spores and yeasts per one-sixtieth cubic millimeter; mold filaments in 96 per cent of the microscopic fields examined. The libel alleged that the product, after shipment by the Frazier Packing Co., Elwood, Ind., from the State of Indiana into the State of Missouri, remained in the original unbroken packages and was adulterated in violation of the Food and Drugs Act of June 30, 1906, because it consisted in part of a filthy, decomposed, and putrid vegetable substance, and was therefore liable to seizure for confiscation.

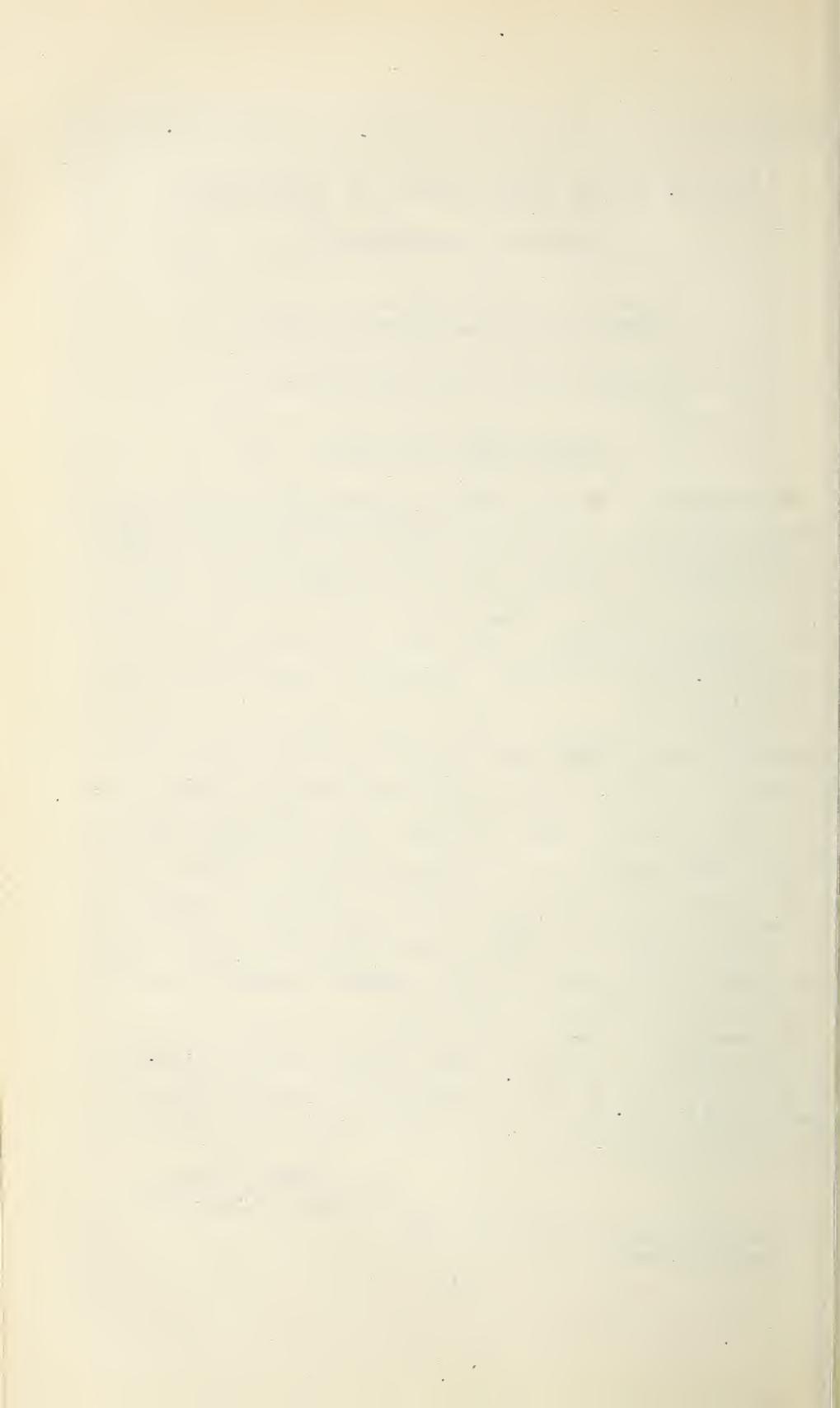
On December 15, 1910, the case coming on for trial and no one having appeared as claimant or filed answer, the court found the product adulterated as alleged in the libel and entered a decree condemning and forfeiting it to the United States and ordering its destruction by the marshal.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 29, 1912.

28314°—No. 1352—12





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1353.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF JAMAICA GINGER EXTRACT.

On April 28, 1911, the grand jurors of the United States, in and for the Western District of Missouri, upon presentation of the United States Attorney for said district, acting upon a report of the Secretary of Agriculture, returned to the District Court of the United States for said district an indictment against the S. Hirsch Distilling Co., doing business under the name of Minuet Cordial Co., alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 1, 1910, from the State of Missouri into the State of Illinois of a quantity of Jamaica ginger which was adulterated and misbranded. The product was labeled: (On case) "Ginger Extract 24 pts. 23902, H. Dirden Liq. Co., 400 E. Broadway, E. St. Louis, Ill." (On bottle) "Jamaica Ginger Extract, Prepared from Finest Ginger Root. Guaranty Legend, Ser. No. 5897."

Analysis of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results:

Alcohol (per cent by volume)	45.48
Total solids (by vacuum over sulphuric acid) (grams per 100 cc)	.99
Residue from ether extraction of diluted extract (grams per 100 cc)	.158
Volatile ether extract (grams per 100 cc)	.063
Non-volatile ether extract (grams per 100 cc)	.095

The indictment alleged adulteration of said product in that there was mixed, packed, and mingled therewith a certain substance, to wit, a dilute extract of ginger, thereby reducing, lowering, and injuriously affecting the quality and strength of the contents of said packages, and substituted for genuine ginger extract, as commercially known, an adulterated compound containing only a dilute and very weak hardly perceptible extract of ginger, thus damaging and injuriously affecting said product as food for human consumption,

and that said contents of said packages were artificially colored in a manner whereby the damaged condition and inferiority thereof were concealed. The information alleged misbranding in that the said product was offered for sale and sold as and for the genuine Jamaica ginger extract, as the same is commercially known, under the distinctive name of another article, that is to say, that while the article contained in said packages was not a genuine Jamaica ginger extract, as same is commercially known, but was a weak, adulterated extract of ginger, in which ginger was scarcely perceptible, and which was artificially colored for the purpose of concealing said weak and adulterated condition, yet the same was offered for sale and sold as and for a genuine Jamaica ginger extract, as the same is commercially known. Misbranding was further charged in that the label and brand were false and misleading in this, that said labels state and imply that the contents of said bottle was genuine Jamaica ginger extract, as same is commercially known, whereas in fact said bottles contained but a very weak, diluted and adulterated ginger extract.

On November 11, 1911, the defendant pleaded guilty and was fined \$50 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 29, 1912.

1353



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1354.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF VERMOUTH.

On October 14, 1911, the United States Attorney for the Western District of Missouri, acting upon a report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against S. Hirsch Distilling Co., doing business under the name of Minuet Cordial Co., alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 20, 1910, from the State of Missouri into the State of Minnesota of a quantity of vermouth which was misbranded. The product was labeled: "Vermouth, Italian Style (Trade Mark), Vermouth, MC Co. Vino Vermouth, Wine of Wormwood, Guaranteed under Food and Drugs Act June 30, 1906."

Analysis of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results:

Specific gravity-----	1.06233
Alcohol (per cent by volume)-----	20.83
Solids by specific gravity (grams per 100 cc.)-----	22.64
Nonsugar solids (grams per 100 cc.)-----	1.06
Reducing sugars, direct (grams per 100 cc.)-----	21.39
Reducing sugars, invert (grams per 100 cc.)-----	21.58
Ash (grams per 100 cc.)-----	.08
Alkalinity of water-soluble ash (cc. N/10 acid)-----	6.0
Total P ₂ O ₅ (mg. per 100 cc.)-----	7.4
Glycerol (grams per 100 cc.)-----	.093
Total tartaric acid (grams per 100 cc.) less than-----	.025

Misbranding was alleged in the information for the reason that the product is labeled so as to represent that the said vermouth was prepared from wine as a base, and that it was prepared from Italian wine, as a base, and was a product of foreign manufacture, whereas in fact said vermouth was not prepared from wine as a base, and was not a product of foreign manufacture, and therefore the said

marking and labels were false and misleading because they deceived the purchaser into believing that the said vermouth was prepared from wine as a base, and was and is a product of foreign manufacture.

On November 11, 1911, the defendant pleaded guilty and was fined \$50 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 29, 1912.*

1354



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1355.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF EXTRACT OF PEPPERMINT.

On April 28, 1911, the grand jurors of the United States, in and for the Western District of Missouri, on presentation by the United States Attorney, acting on a report of the Secretary of Agriculture, returned an indictment to the United States District Court for said district against the S. Hirsch Distilling Co., a corporation doing business under the name of Minuet Cordial Co., alleging shipment by it, in violation of the Food and Drugs Act, on or about September 1, 1910, from the State of Missouri into the State of Illinois of a consignment of extract of peppermint which was adulterated and misbranded. The product was labeled: (On bottle) "Peppermint Extract, Prepared from finest peppermint leaves, Guaranty Legend. Serial No. 5897." (On case) "Peppermint Extract, 24 pts., 23902, H. Dirden Liq. Co., 400 E. Broadway, E. St. Louis, Ill."

Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results:

Capacity of bottle, filled to the neck, 360 cc (ounces)	12.18
Shortage (per cent)	23.9
Alcohol (per cent by volume)	49.95
Methyl alcohol	None.
Peppermint oil	Trace.
Coloring matter	Purely artificial.

This coloring matter is soluble in water (and was entirely taken up by wool from an acid bath), whereas the coloring matter of peppermint leaves (Chlorophyll) is insoluble in water.

Adulteration was alleged in the indictment, for the reason that there was mixed and packed with said product a certain substance, to wit, a highly dilute extract of peppermint, thereby reducing and lowering and injuriously affecting the quality and strength of the contents of said packages, and there was substituted for genuine

peppermint extract, as known to commerce and trade, and to the public generally, an adulterated compound, containing only a highly dilute and very weak, hardly perceptible extract of peppermint, thus damaging and injuriously affecting said product as food for human consumption; and that said contents of said packages were artificially colored in a manner whereby the damaged condition and inferiority thereof was concealed. Misbranding was alleged in the indictment because said product was offered for sale and sold as genuine peppermint extract, as the same is known in trade and commerce and to the public generally, under the distinctive name of another article, that is to say, that the article contained in said packages was not a genuine peppermint extract, but was a very weak and highly diluted extract of peppermint, in which peppermint was scarcely perceptible, and which was artificially colored for concealing said weak and adulterated condition, the same was offered for sale and sold as a genuine peppermint extract, as the same is commercially known. Misbranding was further charged because the label was false and misleading, in that it implied that the contents of said bottles was genuine peppermint extract, as commercially known, when in fact said bottles contained only a very weak, highly diluted and highly adulterated peppermint extract.

On November 11, 1911, the defendant pleaded guilty and was fined \$50 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 29, 1912.*

1355



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1356.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF APPLE BUTTER.

On November 13, 1911, the grand jurors of the United States, within and for the Western District of Missouri, after presentation by the United States Attorney, acting upon a report of the Secretary of Agriculture, returned an indictment to the District Court of the United States for said district against the Earll Coffee Co., charging the shipment by said company, in violation of the Food and Drugs Act, on or about January 4, 1911, of a quantity of apple butter which was misbranded. The product was labeled: "Earll Brand Apple Butter, Absolutely Pure. Earll Mfg. Co., Kansas City, Mo."

Analysis of a sample of said product, made by the Bureau of Chemistry, United States Department of Agriculture, showed the following results:

Solids (per cent)-----	38.3
Nonsugar solids (per cent)-----	6.5
Sucrose, Clerget (per cent)-----	5.8
Reducing sugars as invert (per cent)-----	26.0
Commercial glucose -----	None.
Polarization, direct 25.5°C----- °V---	4.0
Polarization, invert 27.5°C----- °V---	11.6
Polarization, invert 87°C-----	0
Ash (per cent)-----	.54
Salicylic acid-----	None found.
Benzoic acid as sodium benzoate (per cent)-----	0.19
Coloring matter appears to be natural.	

The indictment charged misbranding, in that the said company offered for sale and sold said product as absolutely pure apple butter, as the same is commercially known, when in fact the article contained in said packages or bottles was not genuine apple butter, as the same is commercially known, but contained 0.19 per cent of sodium benzoate, which fact was not stated on the label, whereas it

was represented that the contents thereof were absolutely pure apple butter, as commercially known, and did not contain the said sodium benzoate. Misbranding was further charged in the indictment, in that the label on the bottles was false and misleading, because it stated that the contents of the bottles were genuine apple butter, as commercially known, and deceived and misled the purchasers thereof to believe that they were purchasing pure apple butter, whereas in fact the said bottles so labeled contained 0.19 of one per cent sodium benzoate.

On November 15, 1911, the defendant pleaded guilty and was fined \$50 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 29, 1912.

1856



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1357.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF MACARONI.

On July 23, 1910, the United States Attorney for the District of New Jersey, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 29 cases of macaroni, in the possession of Cono Russo, Atlantic City, N. J. The product was labeled: "Molino e Pastificio a Vapore Napoletano San Giobanni a Teduccio." The labels also depicting a body of water with a smoking volcano in the distance, a maltese cross, a lion, a monogram inscribed "C," and seven medals, one of them bearing the inscription "Vittorio Emanuele III of Italia."

The Bureau of Chemistry, United States Department of Agriculture, reported that during the course of an inspection of the premises of the shipper, D. Cini, Philadelphia, Pa., on June 16, 1910, an inspector of said Bureau observed that this brand of macaroni was manufactured and labeled as indicated above, upon the premises. Misbranding was alleged in the libel against said product, for the reason that the labels, inscriptions, delineations, and language were then and there intended by the terms and style of display to indicate that the said macaroni product was and is and purported to be a foreign product, when in fact said macaroni product was not and is not a foreign product, and was produced in the United States of America; and for the further reason that the said labels were intended and calculated to deceive and mislead the purchaser.

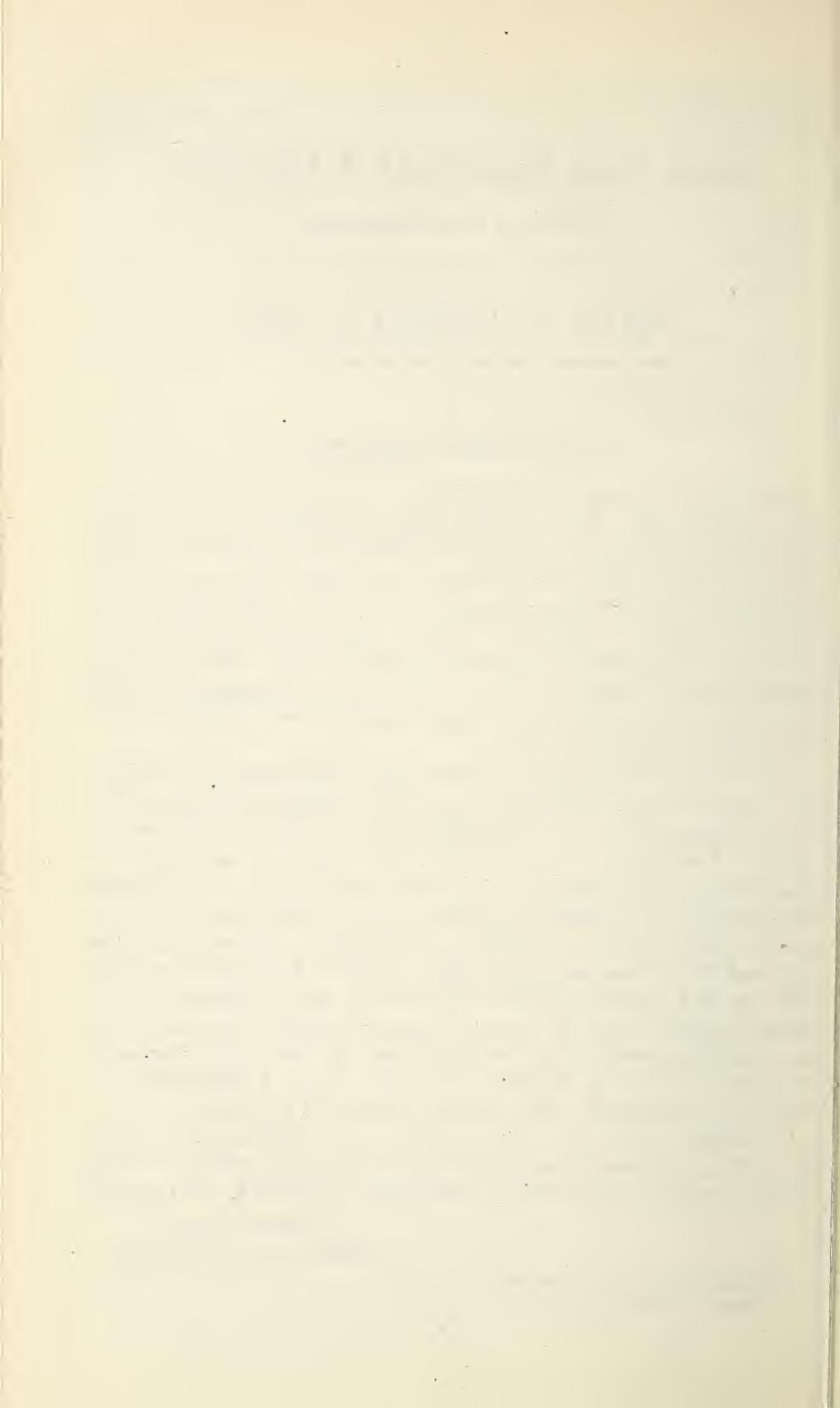
On March 7, 1911, the case coming on for trial, the court found the product misbranded, as alleged in the libel, and entered a decree of condemnation and forfeiture, ordering it to be sold by the marshal.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 30, 1912.

28314°—No. 1357—12





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1358.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF KETCHUP.

On November 10, 1910, the United States Attorney for the District of Vermont, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 175 cases of ketchup in the possession of the Spaulding-Kimball Co., Burlington, Vt. The libel was subsequently amended by inserting 188 cases in lieu of 175 cases. The product was labeled: (On shipping case) "2 Doz. 14 oz. Sunny Side Tomato Ketchup, contains 1/10 of 1% Benzoate of Soda—Manufactured for the Jersey Packing Co., Cincinnati, U. S. A." (On retail package) "Trade Mark—Sunny Side Ketchup—Not artificially colored. Contains tomatoes, pieces of tomatoes, sugar, salt, vinegar, onions, garlic and spices. One-tenth of 1% Benzoate of Soda. Manufactured for the Jersey Packing Co., Cincinnati, U. S. A."

Examination of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed it to contain 200,000,000 bacteria per cc., 73 yeasts and spores per one-sixtieth cmm., and mold filaments in 77 per cent of the fields examined. The case was certified to the United States Attorney because of adulteration, in that the product consisted in part of a filthy, decomposed, and putrid vegetable substance. The said attorney, however, after alleging in the libel that the product, after shipment by the T. A. Snyder Preserve Co., of Cincinnati, Ohio, from the State of Ohio into the State of Vermont, remained in the original unbroken packages, and was adulterated in violation of the Food and Drugs Act of June 30, 1906, because it consisted in whole or in part of a filthy and decomposed vegetable substance, alleged further that it contained other ingredients deleterious and detrimental to health, and unfit for human food, and was therefore liable to seizure for confiscation.

On January 11, 1911, the cause coming on for hearing, and the Jersey Packing Co. having appeared as claimant and owner of said product, and filed its plea consenting to a judgment of condemnation and forfeiture, and it further appearing to the court from the return of the marshal that he had seized 188 cases of said product, the court entered its decree, finding the product adulterated as alleged in the libel, condemning and forfeiting it to the United States, and ordering its destruction by the marshal.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *January 30, 1912.*

1858



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1359.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CHEESE.

On May 22, 1911, the United States Attorney for the Eastern District of Tennessee, acting upon a report from the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of six boxes of cheese in the possession of Hazen & Lotspeich Co., Nashville, Tenn. The above six boxes were a portion of a larger consignment of fifty cheeses received by said consignees from A. H. Barber & Co., Chicago, Ill. The product bore no label but was invoiced as "Daisy Cheese" and was charged for at 14½ cents per pound for the sum total of the weight marked upon each package. These marks occur as figures without the expression "lbs.," but were understood by the consignee to signify the net weight in each case.

The Bureau of Chemistry of the United States Department of Agriculture, after investigation, reported on a portion of the consignment consisting of 26 cheeses, as follows: "The marked weight on the 26 cheeses aggregated 565 pounds. The cheeses were sold on these weights. The actual weights found by the inspector aggregate 545¾ pounds, showing a shortage of 19½ pounds, or 3.4 per cent." The libel alleged that six packages of the product, after shipment by A. H. Barber & Co., of Chicago, Ill., from the State of Illinois into the State of Tennessee, remained in the original unbroken packages and were misbranded in violation of the Food and Drugs Act of June 30, 1906, and were therefore liable to seizure for confiscation. The libel alleged misbranding of five of said boxes of cheese in the following terms: "* * * five of which said boxes of cheese are misbranded as follows: 1 cheese, marked weight 24, actual weight 23 lbs.; 1 cheese, marked weight 21, actual weight 20½ lbs.; 1 cheese,

marked weight 21, actual weight 20 lbs.; 1 cheese, marked weight 22, actual weight 21 lbs.; 1 cheese, marked weight 22, actual weight 21 lbs.," in violation of section 8, paragraph 3, in case of food, in that the said cheese being in package form and the contents stated in terms of weight and measure were not accurately stated on the outside of the packages.

On July 28, 1911, the case coming on for hearing and no one having appeared as claimant, the court found the product misbranded as alleged in the libel, entered a decree condemning and forfeiting it to the United States and ordering it to be sold by the marshal after properly marking thereon the exact weight.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., February 5, 1912.

1359



F. & D. No. 1518.
I. S. No. 12849-b.

Issued May 15, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1360.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

At the August term of the District Court of the United States for the District of New Hampshire the United States Attorney for said district, acting upon a report by the Secretary of Agriculture, filed information in said court against H. C. Kenison, alleging shipment by him, in violation of the Food and Drugs Act, on or about November 11, 1909, from the State of New Hampshire into the State of Massachusetts of a quantity of milk which was adulterated.

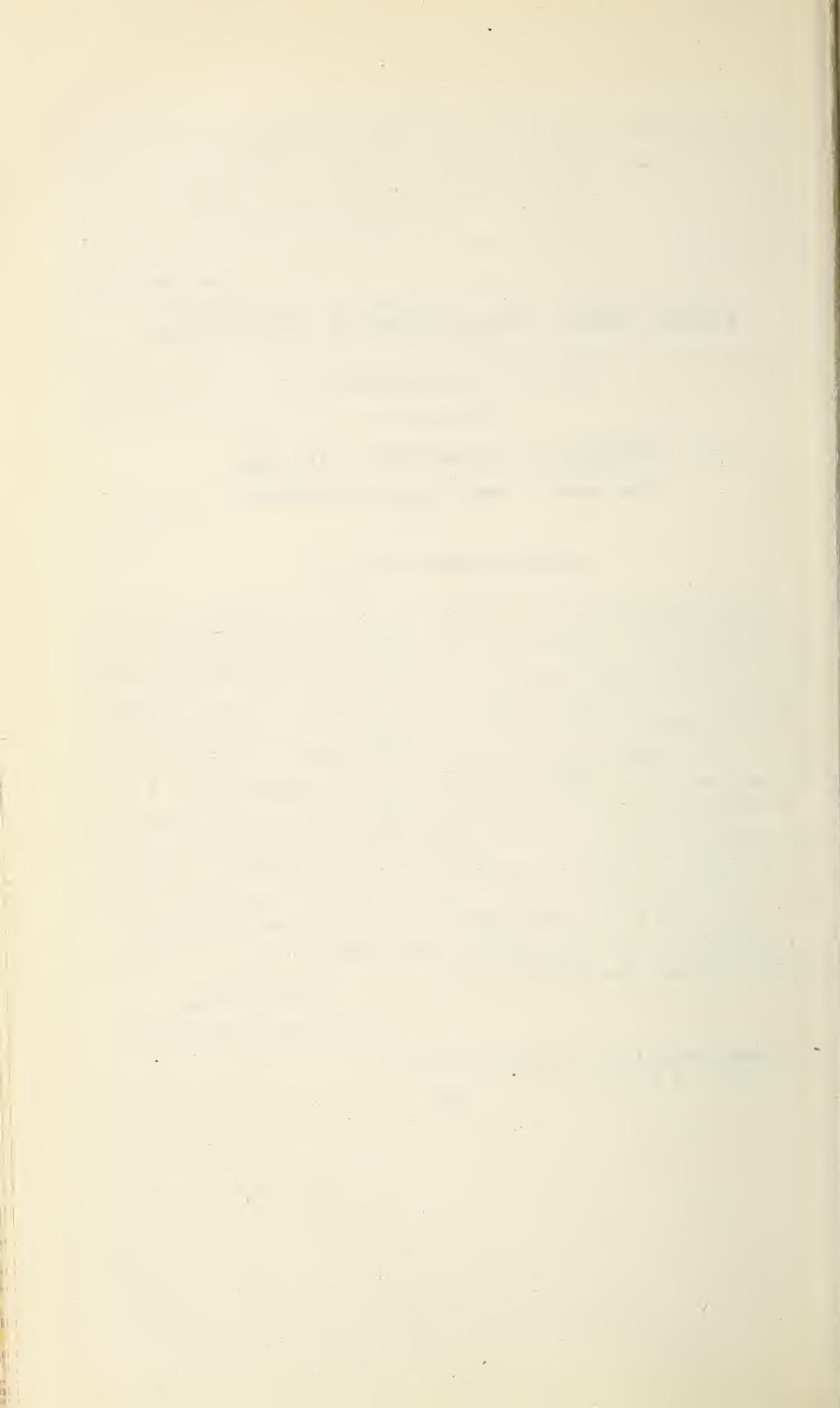
Examination of a sample of said milk made by the Bureau of Chemistry of the United States Department of Agriculture showed the presence of 1,000,000 bacteria per cubic centimeter. Adulteration was alleged for the reason that said product consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On September 2, 1910, the defendant entered a plea of nolo contendere and was fined \$10 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 30, 1912.
28312°—No. 1360—12





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1361.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF RICE.

On July 21, 1911, the United States Attorney for the Eastern District of Missouri, acting upon a report from the Secretary of Agriculture, filed information in the District Court of the United States for said district against Edward Westen Tea & Spice Co., a corporation, St. Louis, Mo., alleging shipment by it, in violation of the Food & Drugs Act, on or about May 3, 1910, from the State of Missouri into the State of Colorado of a consignment of rice which was misbranded. The product was labeled: "Great Eastern—The Leader Beats All—RICE—Carolina Head. Put up by the Great Eastern Coffee & Tea Co., St. Louis, Mo."

Examination of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results: Rice is coated with glucose and talc. Tale, 0.24 per cent. Misbranding was alleged in the information as follows: That the said label upon said package or carton was false and misleading, and would and did create the impression and lead the purchaser thereof to believe, that said product contained in said package or carton was pure rice, when in truth and in fact said product was not pure rice, but on the contrary thereof said package or carton contained in addition thereto glucose and tale, the presence of which glucose and tale was not declared upon said label; and said label upon said package or carton, regarding the substance contained therein, was false and misleading in this, that said product was not rice, but was rice with glucose and tale added thereto.

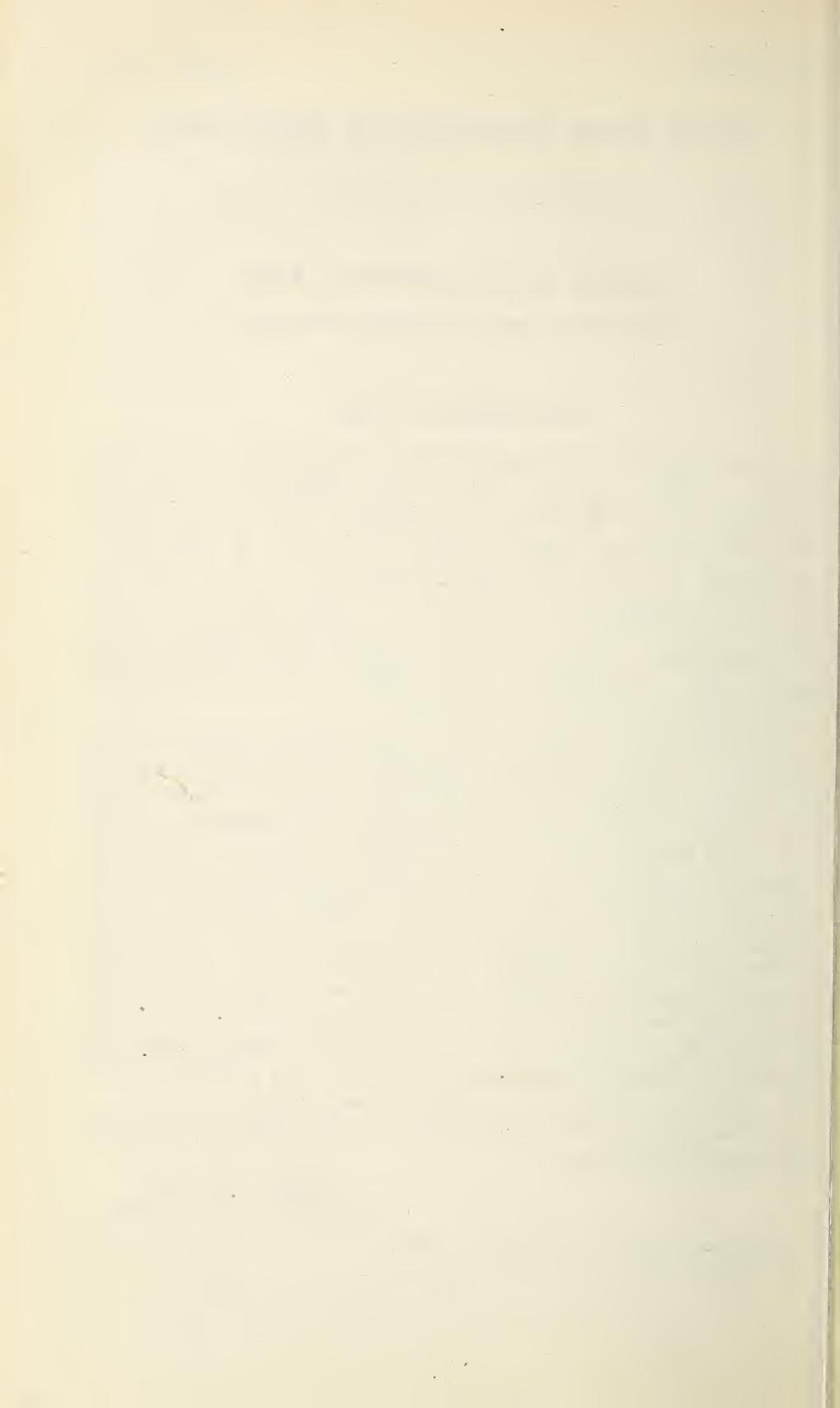
On November 6, 1911, the defendant entered a plea of guilty and was fined \$100 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 30, 1912.

28312°—No. 1361—12





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1362.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF SWEET CIDER.

On July 21, 1911, the United States Attorney for the Eastern District of Missouri, acting upon a report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Tip Top Bottling Co., a corporation, St. Louis, Mo., alleging shipment by it, in violation of the Food and Drugs Act, on or about September 9, 1910, from the State of Missouri into the State of Illinois, of a quantity of sweet cider which was adulterated and misbranded. The product was labeled: "Sweet Cider. Product of concentrated pure apple juice preserved with 1-2000 part of benzoate of soda. Guaranteed under Pure Food and Drugs Act June 30, 1906—No. 9941. Mfd. by the Tip Top Bottling Co., 1424-32 N. Jefferson Av. St. Louis."

Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: Color, natural; solids (grams per 100 cc), 9.58; benzoate of soda and saccharin together (grams per 100 cc), 0.052; saccharin, present; polarization direct, zero; polarization invert, 5° V.; alcohol, none; ash (grams per 100 cc), 0.23; soluble ash (grams per 100 cc), 0.20; insoluble ash (grams per 100 cc), 0.03; alkalinity of soluble ash (cc 10/N HCl), 16.5; alkalinity of insoluble ash (cc 10/N HCl), 5.0; reducing sugars invert (grams per 100 cc), 8.16; non sugar solids (grams per 100 cc), 1.42; total acidity as acetic (grams per 100 cc), 0.46; malic acid value (grams per 100 cc), 0.32; specific gravity at 15.6°, 1.0168. This case was certified to the United States Attorney by this Department because of the adulteration of the product in that a substance, to wit, imitation cider vinegar, prepared from evaporated apple juice and artificially sweetened with saccharin, had been substituted wholly or in part for the sweet cider; and further because of the misbranding of the product in that the statement "Sweet cider product of concentrated pure apple juice" borne on the label was false and misleading and calculated to deceive the purchaser into the belief that the product was a genuine sweet cider made from the juice of fresh apples when in fact it was an imitation sweet cider made from evaporated apples

and artificially sweetened with saccharin; and further because it was an imitation sweet cider prepared from evaporated apples artificially sweetened with saccharin and was offered for sale under the distinctive name of another article, to wit, sweet cider. No charge was made by this Department that the product contained an added deleterious ingredient, to wit, saccharin, which rendered such article injurious to health, for the reason that the use of saccharin in foods was then and still is being investigated by the Referee Board, which had made no report thereon at the time this case was reported. The United States Attorney, nevertheless, alleged in the information adulteration and misbranding as follows: "Adulteration in this, to wit: That the said product was not sweet cider, and was not the product of concentrated pure apple juice, but on the contrary thereof was an imitation of cider prepared from evaporated apple juice, and artificially sweetened with saccharin; and said imitation of cider has been and was substituted wholly, or in a large part, for the article described on said label, to wit, sweet cider; and that said product and substance was further adulterated in this, to wit, that another substance, to wit, saccharin, had been mixed with said product in a manner whereby its inferiority was and is concealed; and that said product was further adulterated in this, that it contained an added deleterious ingredient, to wit, saccharin, which rendered such article injurious to health. Misbranding in this, to wit, that the statement contained in the said label on said bottle, to wit, 'Sweet Cider. Product of concentrated Pure Apple Juice', is false and misleading because it deceives and would deceive purchasers of said product into the belief that said product was and is genuine sweet cider, made from the juice of fresh apples, whereas in truth and in fact said product was and is an imitation of sweet cider made from evaporated apples and artificially sweetened with saccharin; and further that said product was and is misbranded in this, to wit, that it was and is an imitation of sweet cider prepared from evaporated apples and artificially sweetened with saccharin, and was offered for sale and was sold under the distinctive name of another article, to wit, sweet cider; and further, that said article and product was misbranded in this, that the said bottle and the said label thereon bore a statement regarding said article contained in said bottle, which was false and misleading in this, to wit, that the product contained in said bottle was not sweet cider as stated in said label.

On November 15, 1911, the defendant pleaded guilty and was fined \$10 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., February 15, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1363.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF VINEGAR.

On October 25, 1910, the grand jury of the United States, within and for the First Judiciary District of the Territory of Arizona, on presentation by the United States Attorney for said district, acting upon a report of the Secretary of Agriculture, returned an indictment to the United States District Court for said district against Sharp-Elliott Manufacturing Co., a corporation, El Paso, Tex., charging the manufacture and misbranding in the Territory of Arizona by said concern, on or about June 5, 1909, of 40 gallons of liquid food, in imitation of vinegar, which the said defendant then and there designated and declared to be vinegar, by placing a label or brand on the barrel which contained said liquid food, which said label or brand so placed upon the barrel was in the words following, to wit, "Fine flavored table vinegar. A superior article for table use. A delicious flavored vinegar, fortified with 90 grains strength of 80% pure Acetic acid "Vinegar Sour," colored with burnt sugar. Sharp-Elliott Mfg. Co., El Paso, Texas."

Analysis of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results: Solids (grams per 100 cc), 0.39; non-sugar solids (grams per 100 cc), 0.30; reducing sugar as invert (grams per 100 cc), 0.09; polarization, direct, +0.4° V; ash (grams per 100 cc), 0.036; alkalinity of water soluble ash (cc N/10 acid per 100 cc), 3; color removed by fuller's earth, 66 per cent; soluble phosphoric acid, none; insoluble phosphoric acid, trace; total acid, as acetic (grams per 100 cc), 7.67; fixed acid, as malic, none; lead precipitate, trace; color, degrees brewer's scale, 0.5 in., 12. The indictment charged the misbranding of the said product as follows: Which said label or brand so as aforesaid placed upon the said barrel, which contained such liquid food, substance and compound, indicates and declares that the said liquid food, substance and compound, contained in said

barrel, so manufactured, in imitation of vinegar, as aforesaid, and branded as aforesaid, by said defendant, contained all the congeneric substances of vinegar obtained by the acetous fermentation of fruit; and that the said label or brand so placed upon said barrel by said defendant as aforesaid, was then and there false and misleading, and calculated and intended to deceive the purchaser thereof, in that said liquid food, substance and compound, so manufactured in imitation of vinegar as aforesaid by said defendant, was not vinegar, but was and is in truth and in fact, an imitation of vinegar, and that the said liquid food, substance and compound, contained in said barrel so manufactured and branded as aforesaid, was then and there composed of a dilute solution of acetic acid, colored with burnt sugar, and then and there the same was offered for sale, under the distinctive name of another article, to wit, vinegar.

On May 3, 1911, the defendant company entered a plea of guilty and was fined \$100.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 30, 1912.*
1363



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1364.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF POWDERED MILK.

On December 14, 1910, the United States Attorney for the District of New Jersey, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of three barrels of milk product, in the possession of the M & S Cocoa & Chocolate Co., Jersey City, N. J. The product was labeled "Milk" and was invoiced as "Powdered Milk."

A sample of said product examined by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: Water, 4.83 per cent; fat, 0.92 per cent; protein, 35.83 per cent; lactose, etc., by difference, 50.45 per cent; ash, 7.97 per cent, total, 100 per cent. The libel alleged that the product, after shipment by Wood & Selick, of the city of New York, from the State of New York into the State of New Jersey, remained in the original unbroken packages and was adulterated in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Adulteration was alleged in the information for the reason that the fat contained in the product had been partially extracted therefrom, and that the said product was what is termed skimmed milk. Misbranding was alleged for the reason that the product was labeled milk, which represented it to be pure, when in truth and in fact the label was false and misleading in that the said product had had extracted therefrom a material part of the fat of the milk, which fact was not indicated on the label.

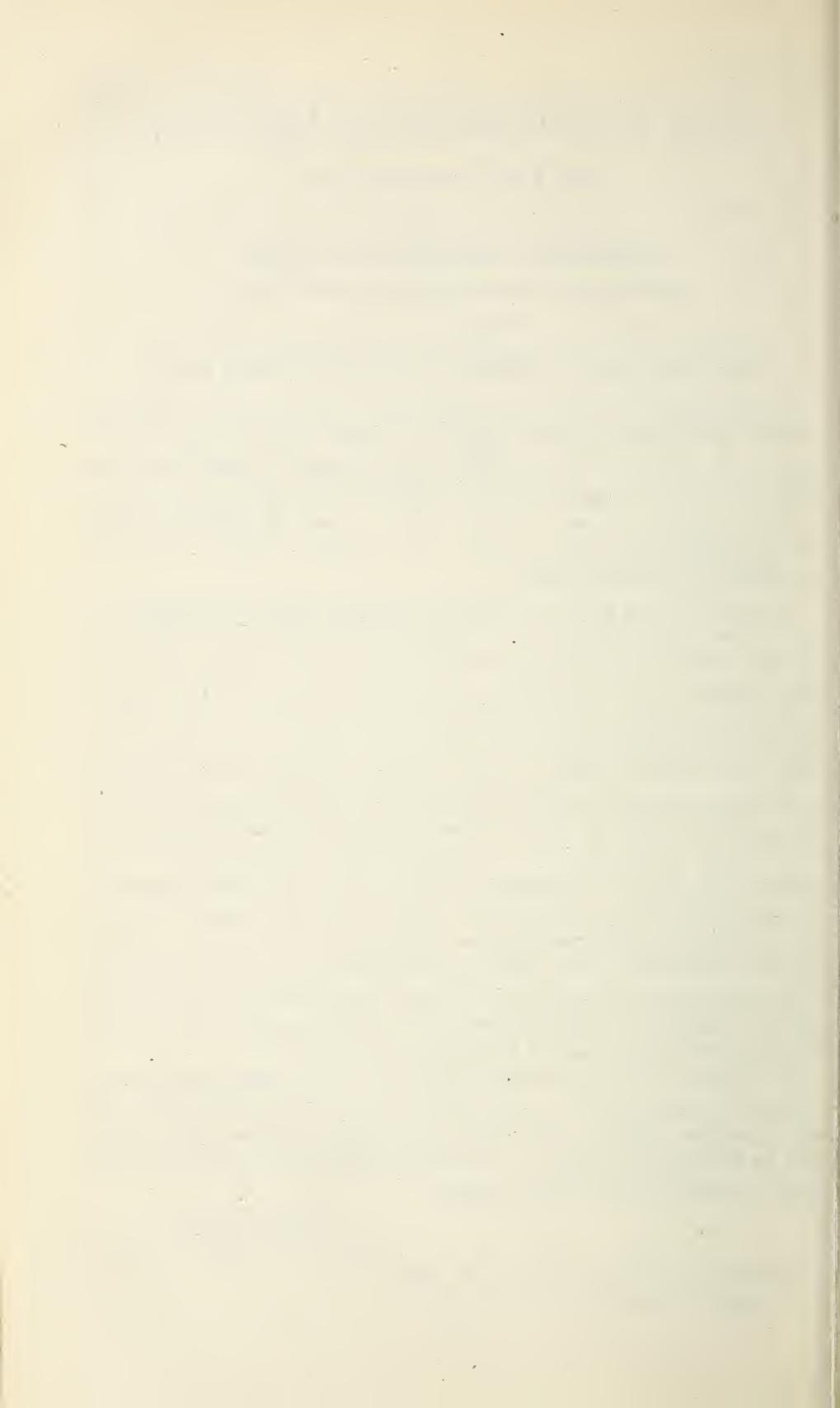
On January 3, 1911, the case coming on for trial, and no one having appeared as claimant, the court found the product adulterated and misbranded as alleged in the libel, and entered a decree condemning and forfeiting the product to the United States and ordering it to be sold at public auction by the marshal.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 30, 1912.

28123°—No. 1364—12





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1365.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF GELATINE.

On April 14, 1911, the United States Attorney for the District of Indiana, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for the said district a libel praying condemnation and forfeiture of five barrels of Shred Gelatine in the possession of Bessire & Co., Indianapolis, Ind. The product was labeled: "Bessire Shred Gelatine Mfrd for Bessire & Co., Indianapolis, Ind."

Chemical analysis and bacteriological examination of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: Chemical analysis: Ash, 1.79 per cent; gelatinizing power of a 5 per cent solution at room temperature, negative; odor and reaction of a 5 per cent solution exposed to the air for two days at room temperature, bad, reaction alkaline; bacteriological examination: (*B. coli* isolated); organisms per gram developing on: Plain agar at 25° C., 70,000,000; plain agar at 25° C., 91,000,000; plain agar at 25° C., 48,000,000; gas-producing organisms, 1,000,000. The libel alleged that the product, after transportation from the State of New York into the State of Indiana, remained in the original unbroken packages and was adulterated in violation of the Food and Drugs Act of June 30, 1906, because it consisted in whole or in part of a filthy, decomposed, and putrid animal substance, which rendered it unfit for food, and was therefore liable to seizure for confiscation.

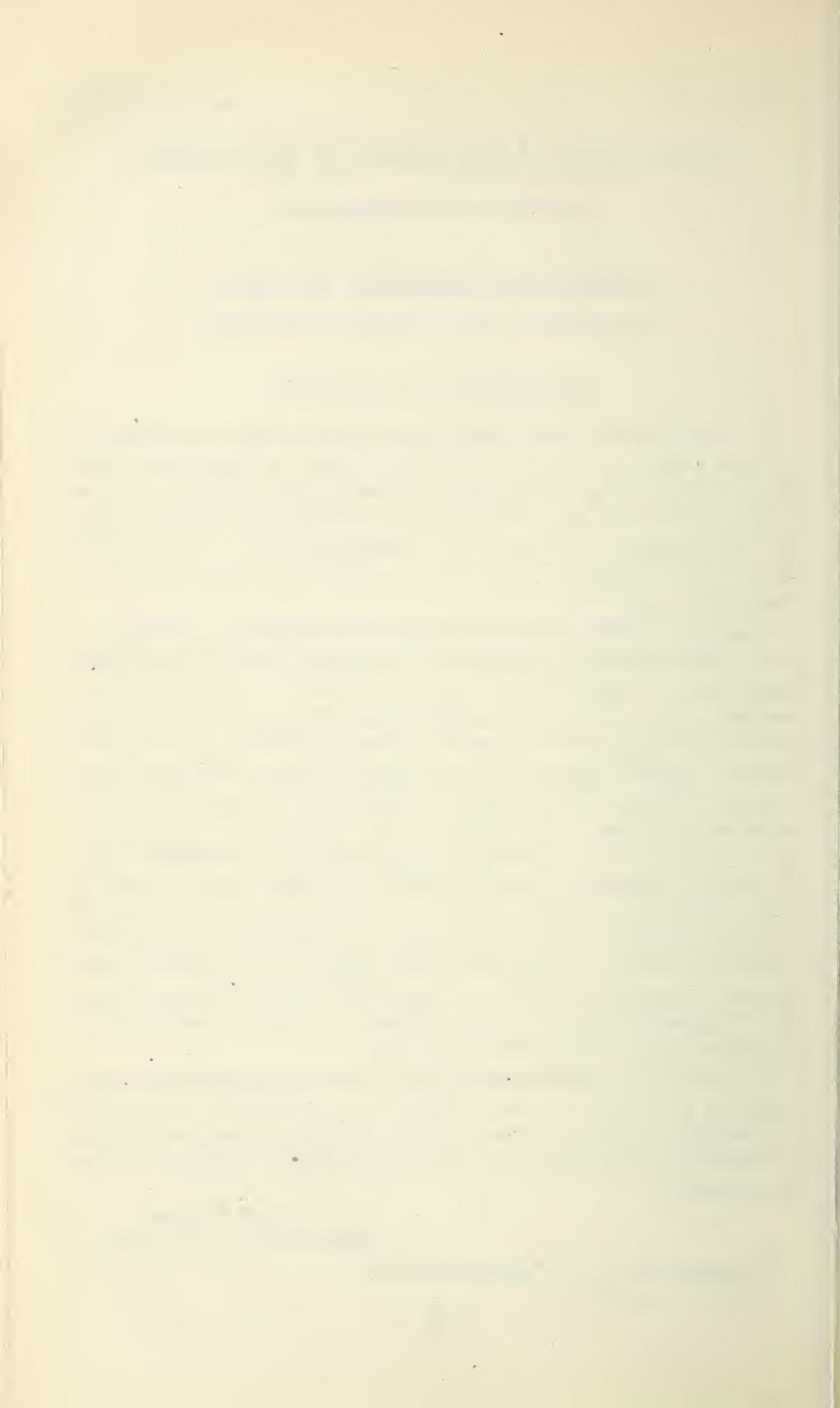
On June 7, 1911, the case coming on for hearing, and no one having appeared as claimant or filed answer, the court found the product adulterated as alleged in the libel and entered a decree condemning and forfeiting it to the United States and ordering its destruction by the marshal.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 30, 1912.

28123°—No. 1365—12





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1366.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF VANILLA EXTRACT.

On November 18, 1911, the United States Attorney for the District of Maryland, acting upon a report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against the William Haigh Co., Baltimore, Md., alleging shipment by them, in violation of the Food and Drugs Act, on or about October 3, 1910, from the State of Maryland into the State of Pennsylvania of a quantity of vanilla extract which was adulterated and misbranded. The product was labeled "XXXX Vanilla. This vanilla is prepared from high grade and selected vanilla beans. Guaranty legend Serial 6632. The Wm. Haigh Co., Manufacturing Chemists, 128 S. Calvert Street, Baltimore, Md. * * *".

Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: "Vanillin, 0.40 per cent; coumarin, absent; lead number 0.33; vanilla, slight amount; caramel, slight amount." Adulteration was alleged for the reason that a certain substance, to wit, vanillin, had been mixed with said article so as to reduce, lower, and injuriously affect its quality and strength, and for the further reason that said substance had been substituted in part for said article. Misbranding was alleged for the reason that the package containing the article bore, among other things, a statement that said article was vanilla, which said statement was false and misleading in this, that the said article was not vanilla, but contained a quantity of vanillin.

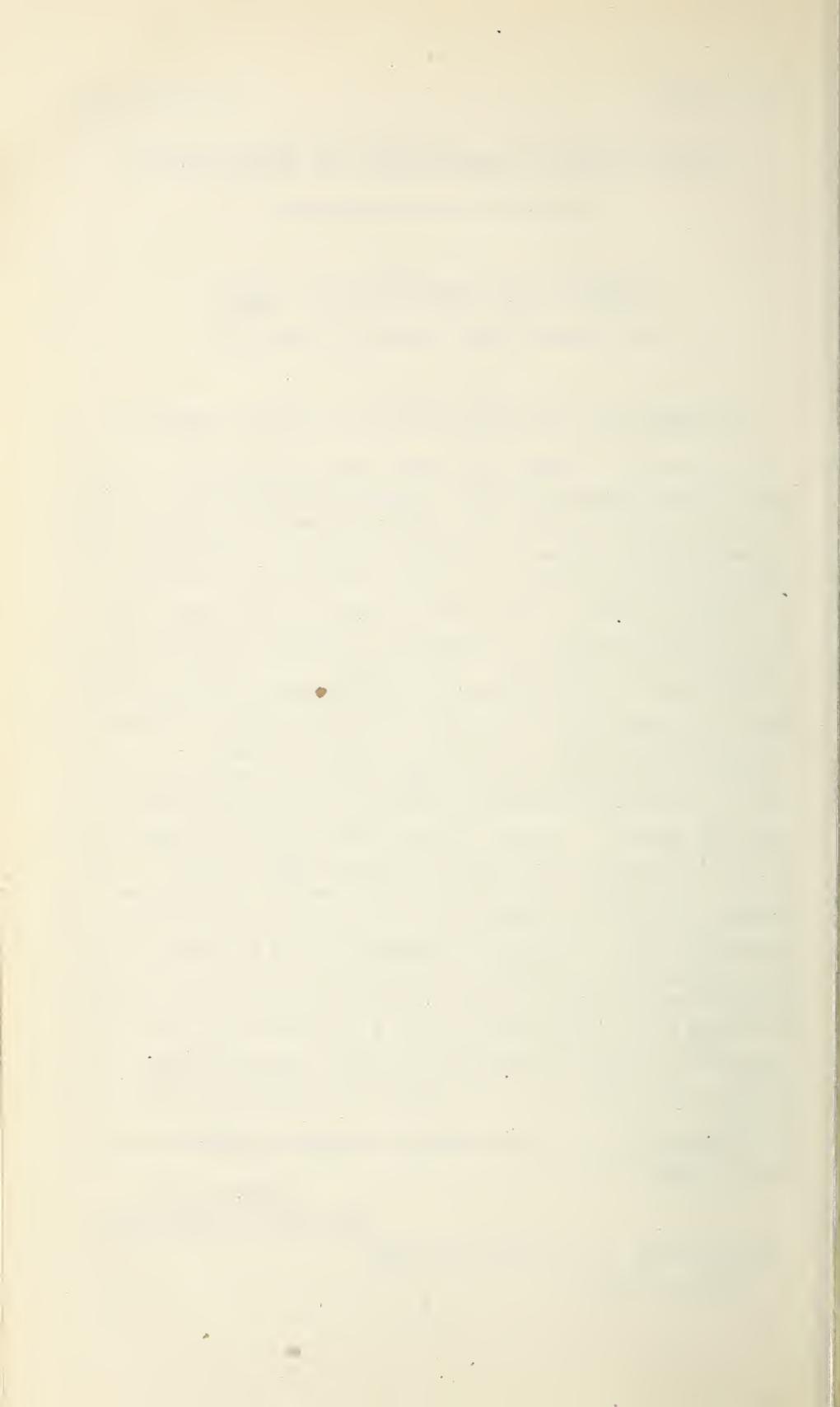
On November 18, 1911, the defendant company pleaded guilty and was fined \$10.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 30, 1912.

28123°—No. 1366—12





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1367.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CLYMER'S TABLE SEEROP TEMTORS.

On September 9, 1911, the United States Attorney for the Eastern District of Missouri, acting upon a report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against the St. Louis Syrup & Preserving Co., a corporation, alleging shipment by it, in violation of the Food and Drugs Act, on or about October 29, 1910, from the State of Missouri into the State of Wisconsin, of a quantity of table syrup which was misbranded. The product was labeled: "2 pound Clymer's Table Seerop Temtors Registered 24594 St. Louis Syrup & Preserving Co. St. Louis, Mo. Clymer's Table Seerop Temtors is a condiment, which is delicious when spread on pancakes, corncakes, bread, etc. Clymer's Table Seerop Temtors conforms to all Pure Food Laws and is absolutely Pure. The contents of this package is a compound of 45% Cane Syrup 25% Granulated Sugar and 30% corn syrup, to give it that desired flavor for Pancakes, Bread and Corn Cakes."

Analysis of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results:

Solids by refraction (per cent)-----	76.5
Nonsugar solids (per cent)-----	24.9
Sucrose by Clerget's formula (per cent)-----	19.2
Reducing sugars as invert before inversion (per cent)---	32.4
Commercial glucose (factor 163) (per cent)-----	50.5
Polarization direct at 25° C.----- °V-- +104.6	
Polarization invert at 25° C.----- °V-- + 79.7	
Polarization invert at 87° C.----- °V-- + 82.4	
Ash (per cent)-----	2.30
Weight (ounces)-----	30.25

Misbranding was alleged in the first count of the information for the reason that the label and statements on the product were false and misleading in that they described the product as "absolutely pure," and would lead the purchaser to believe said product was absolutely pure and was composed solely of 45 per cent of cane syrup, 25 per cent of granulated sugar, and 30 per cent of corn syrup, when in fact said product was not composed solely of 45 per cent cane syrup, 25 per cent granulated sugar, and 30 per cent corn syrup, but on the contrary, contained 50 per cent of commercial glucose, or corn syrup. The second count of the information, which was subsequently dismissed, alleged adulteration of the product because a substance, to wit, an additional quantity of commercial glucose, being 20 per cent greater than the amount of glucose or corn syrup declared on the label, had been mixed and packed with the product so as to reduce, lower, and injuriously affect the quality and strength of said article, and because 20 per cent of commercial glucose had been in fact substituted for 45 per cent of cane syrup and 25 per cent of granulated sugar so declared and stated on the label.

On December 9, 1911, the defendant entered a plea of guilty to the first count of the information and was fined \$50 and costs, and the second count of the information was dismissed.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., February 9, 1912.

1367



Issued May 17, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1368.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF MACARONI.

On August 29, 1911, the United States Attorney for the District of Maryland, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of fifteen boxes of macaroni, found in the possession of Antonio Mouggio, in the city of Baltimore. The product was labeled: "Rinomato Pastificio—A Vapore—G. Russo & Figli—Da Termini Imerese, Sicily—Specialita in paste alimentari, E. Glutinate Purissima Semola."

The Bureau of Chemistry of the United States Department of Agriculture, after investigation, reported that most of this product is sold to the Italian trade who have little or no knowledge of English; that the interpretation of the label is "Celebrated Steam Macaroni—G. Russo and Sons. From Termini Imerese (city) Sicily.;" that there is an Italian flag on the label; that while there appears in the small yellow margin the words "Mfd. in Clevd. O." this legend is not written in full and is not sufficiently conspicuous to overcome the impression created by the general character of the label, to the effect that the product is of foreign instead of domestic origin. The libel alleged that the product, after transportation from the State of Ohio into the State of Maryland, remained in the original unbroken packages and was misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Misbranding was alleged because said packages were labeled in a manner to indicate that the article was manufactured in the Kingdom of Italy, when in truth and in fact said article was manufactured in Cleveland, Ohio.

On October 23, 1911, the case coming on for hearing, and no one having appeared as claimant or filed answer, the court found the

product misbranded as alleged in the libel and entered a decree condemning and forfeiting it to the United States, and on October 28, 1911, the court entered a further decree ordering the marshal, after changing the deceptive branding of the product, to sell the same at private sale for the highest price obtainable. The decree states as the reason for ordering private sale, that a public sale would require expense incident thereto which would be in excess of the amount realized on said goods.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 31, 1912.*

1368



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1369.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF DRIED APPLES.

On August 23, 1911, the United States Attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of four bags of dried apples in second-hand sacks in the possession of R. S. Jackson & Co. in the city of Baltimore. The product was labeled: "R. S. Jackson & Co.—Chestnuts—113 S. Charles St., Baltimore, Md."

Examination of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed 35 worms and one beetle in a sample of 330 grams, and that the product was worm-eaten and covered with excreta. The libel alleged that the product, after transportation from the State of Virginia into the State of Maryland, remained in the original unbroken packages, and was adulterated in violation of the Food and Drugs Act of June 30, 1906, because it consisted in part of a filthy animal or vegetable substance, to wit, flies, worm excreta, and worm-eaten apples, and was, therefore, liable to seizure for confiscation.

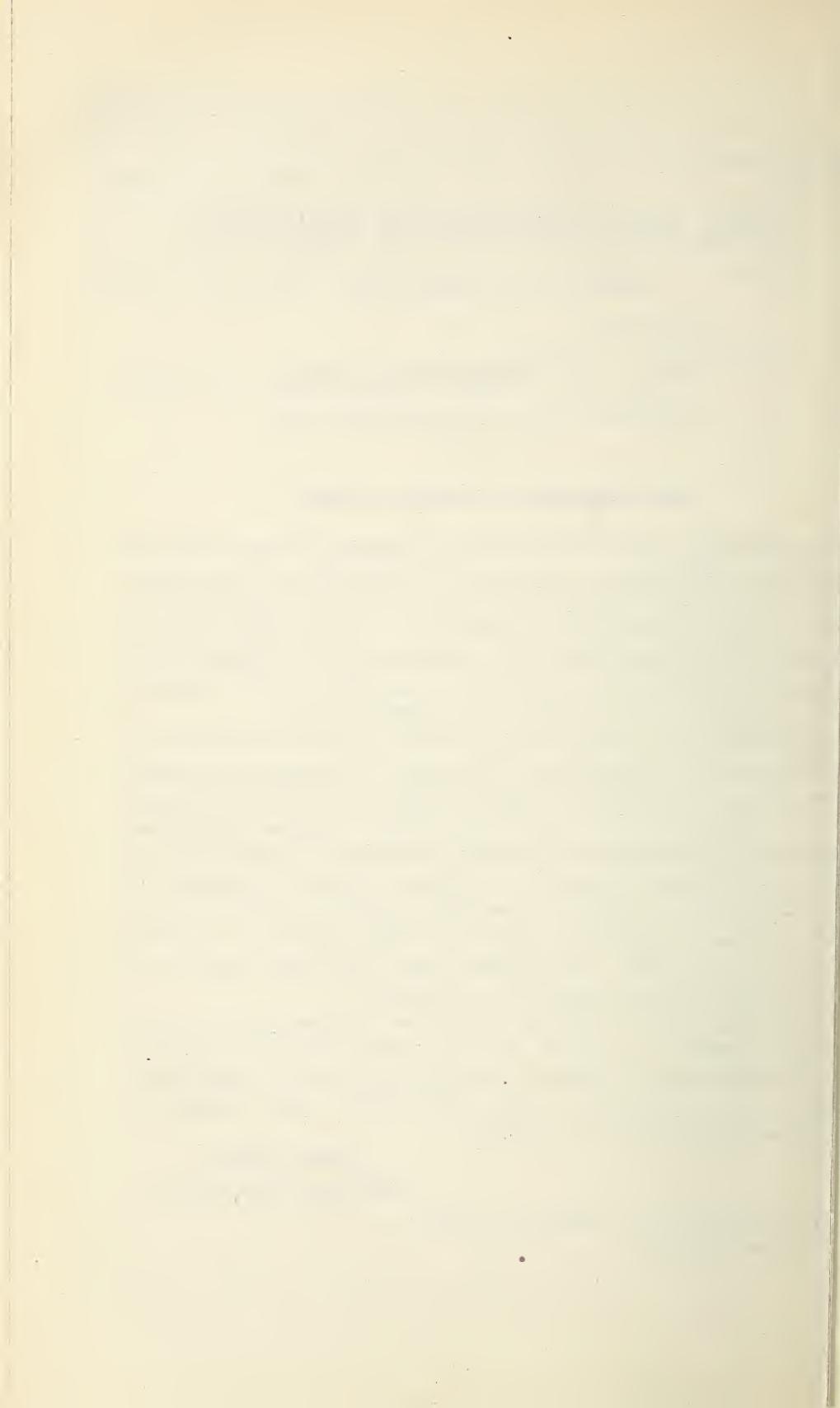
On October 23, 1911, the case coming on for hearing and no one having appeared as claimant, or filed answer, the court found the product adulterated, as alleged in the libel, and entered a decree condemning and forfeiting it to the United States and ordering its complete destruction by the marshal.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 31, 1912.

28316°—No.1369—12





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1370.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF MARASCHINO CHERRIES.

On August 23, 1911, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying condemnation and forfeiture of 15 cases of maraschino cherries in the possession of Wm. Muehleisen & Co. (Inc.), Washington, D. C. The product was labeled, on shipping containers: "1 doz. large bottles Maraschino Cherries—From International Fruit Products Co., 11 East Pearl St., Cincinnati, O—For Wm. Muehleisen Co., 916 Fifth St., Washington, D. C." In addition the containers bore a guarantee legend. The retail units were labeled: "I. F. P. Co.—Maraschino Cherries—Wm. Muehleisen Co., Distributors, Washington, D. C."; and a strip label on the neck of each bottle contained the following: "Containing 1/10 of 1% Sodium Benzoate—Harmlessly Flavored—Colored from Certified lot No. 154."

Analysis of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed that said cherries were not packed in maraschino liqueur, but that there had been substituted for this a solution flavored with benzaldehyde or oil of bitter almonds, and that the product also contained a small percentage of glucose. The libel alleged that the product, after transportation from the State of Ohio into the District of Columbia, remained in the original unbroken packages, and was adulterated and misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Adulteration was alleged for the reason that certain substances, to wit, benzaldehyde or bitter almond, and glucose, had been mixed and packed with the product so as to reduce or lower or injuriously affect its quality or strength; and because said substance had been substituted wholly or in part for the article. Misbranding

was alleged for the reason that the label was false and misleading and calculated to mislead and deceive the purchaser, in that the product was represented on the label to be "Maraschino Cherries," that is to say, cherries mixed with a certain liqueur commonly known as maraschino, when in fact the product was not maraschino cherries but cherries packed in a solution flavored with benzaldehyde or oil of bitter almonds, and glucose, in place of genuine maraschino liqueur; and further because said article was an imitation of and offered for sale under the distinctive name of another article, to wit, "Maraschino Cherries."

On October 13, 1911, Mihalovitch Co. filed a petition for intervention and, by leave of court, filed on October 18, 1911, their answer, admitting the allegations of the libel; whereupon the court entered a decree finding the product adulterated and misbranded, as alleged in the libel, but authorizing its release to the said Mihalovitch Co. upon the payment of all costs and the execution of a bond in the sum of \$100 that the product should not again be sold contrary to law. The costs having been paid and bond filed, the property was forthwith released to the claimants.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 31, 1912.*

1370



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1371.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF TOMATOES.

On November 6, 1911, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of said District, holding a district court, a libel praying condemnation and forfeiture of 1,000 cases of tomatoes in the possession of Geo. W. Offutt in the city of Washington. The product was labeled: "Our Navy Brand Tomatoes—First Quality—Packed by A. E. Pearson & Son, Lottsburg Cannery, Lottsburg, Va.—These tomatoes are packed expressly for the best family trade and are absolutely free from artificial coloring or adulteration of any kind."

An examination of samples of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the product to contain added water. The libel alleged that the product, after transportation from the State of Virginia into the District of Columbia, remained in the original unbroken packages, and was adulterated and misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Adulteration was alleged in the libel for the reasons following: Because each and all of the said cases and cans containing the said article of food were and are labeled as hereinbefore set forth, which said labels signify and import that the product contained in the said cases and cans is canned tomatoes, and pure canned tomatoes, and your libelants charge that the article of food contained in the said cases and cans, and each thereof, is not pure canned tomatoes, nor entitled to be so called, but that the said food or product has been diluted and adulterated by the addition of water, whereby, and by reason whereof, the quality and strength of the said food or product has been reduced and lowered and injuriously affected. Because the said article of food contained in the said

cases and cans is not pure canned tomatoes, but is a mixture in which a certain liquid, to wit, water, has been substituted in part for the said article of food. Misbranding was alleged against said product for the reasons following: Because each and all of the aforesaid cans contained in the said cases are labeled and branded so as to mislead and deceive the purchaser thereof, because the statements on the label signify and import that the said article contained therein is canned tomatoes, when in truth and in fact, the article contained therein is a mixture containing, in addition to the said tomatoes, a certain quantity of added water.

On November 14, 1911, the case coming on for hearing and it appearing to the court that A. E. Pearson & Son had filed their plea and answer consenting to a decree of condemnation, and paid the costs of the proceedings, the court found the product adulterated and misbranded, as alleged in the libel, and entered a decree condemning and forfeiting it to the United States, but authorizing its release to the aforesaid A. E. Pearson & Son upon the execution of a bond in the sum of \$2,000 conditioned that the product should not be again disposed of contrary to law, and the bond having been executed, the product was forthwith released to the aforesaid claimants.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 31, 1912.

1371



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1372.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF PEANUTS.

On November 27, 1911, the United States Attorney for the Northern District of Illinois, acting upon a report from the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 33 bags of peanuts and 15 bags of peanuts, in the possession of Syme, Eagle & Co., Chicago, Ill. Each of the bags in the lot composed of 33 bags was labeled "Virginia—3—Dixie Peanut Company, Petersburg, Va., 4091." The second lot, consisting of 15 bags, was labeled "No. 3, Virginia, Dixie Peanut Co., Petersburg, Va., 4243."

Examination of a sample from each consignment made by the Bureau of Chemistry of the United States Department of Agriculture, numbered I. S. 3844-d and 3845-d, respectively, showed the following results: (I. S. No. 3844-d) 43.6 per cent of the peanuts broken and wormy, miscellaneous seeds 2.5 per cent, stones 1.2 per cent, sticks 2.1 per cent, dirt 14.1 per cent, rodent excreta 0.9 per cent, shriveled peanuts 35.6 per cent; odor rancid; unfit for human food in present condition. (I. S. No. 3845-d) 43 per cent of the peanuts broken and wormy, sticks 5.3 per cent, shriveled peanuts 51.6 per cent, dirt 0.1 per cent; odor rancid; unfit for human food in present condition. The libel alleged that the peanuts, after shipment by the Dixie Peanut Co., of Petersburg, Va., from Cleveland, Ohio, into the State of Illinois, remained in the original unbroken packages and were adulterated in violation of the Food and Drugs Act of June 30, 1906, because they consisted in part of filthy animal and vegetable matter, to wit, worms, seeds, sand, and rodent excreta, and were therefore liable to seizure for confiscation.

On January 10, 1912, the case being in default, on motion of the United States Attorney, the court entered a decree condemning and forfeiting the product to the United States as being adulterated as alleged in the libel, and ordered its destruction by the marshal.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., February 9, 1912.

30220°—No. 1372—12



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1373.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF "SPIRITS TURPENTINE."

On June 29, 1911, the United States Attorney for the District of Connecticut, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of four barrels of turpentine in the possession of the Apothecaries Hall Co. at Waterbury, Conn. The product was labeled "Pure Spirits Turpentine."

Analyses of samples of said product by the Bureau of Chemistry of this Department showed them to contain the following minimum percentages of mineral oil, respectively: I. S. No. 12656-c, not less than 4 per cent; 12657-c, not less than 4 per cent; 12658-c, not less than 4.8 per cent; 12659-c, not less than 4.4 per cent. The libel alleged that two of said barrels of turpentine were shipped by the Barclay Naval Stores Co., of New York City, from the State of New York to the Buckingham Pharmacy Co. (Inc.) in Waterbury, in the State of Connecticut, and that two of said barrels were shipped by Charles Bang of the city of New York from the State of New York to the Buckingham Pharmacy Co. (Inc.) at Waterbury, in the State of Connecticut, and that the products remained in the original unbroken packages and were adulterated and misbranded in violation of the Food and Drugs Act of June 30, 1906, and were therefore liable to seizure for confiscation. Adulteration of the product was alleged in the libel for the reason that said drug product was sold and transported from the State of New York into the State of Connecticut as "Pure Spirits Turpentine," a name recognized in the United States Pharmacopœia and National Formulary, whereas said product differed, at the time of shipment, from the standard of strength, quality, and purity as determined by the test as laid down in said United States Pharmacopœia and National Formulary, and in that said product, as sold and transported, contained at the time of shipment a

quantity of mineral oil, which had been mixed with and substituted for pure spirits of turpentine. Misbranding was alleged for the reason that the containers of said product were labeled "Pure Spirits Turpentine," when in fact said product was not, at the time of shipment and delivery, in fact pure spirits of turpentine, but consisted of a mixture of pure spirits of turpentine and mineral oil, and said branding was false and misleading in that it indicated that said product consisted of pure spirits of turpentine, and in that there was no statement upon the containers of said product indicating that the product contained mineral oil, when in fact the mineral oil contained in said product was an adulterant.

On November 3, 1911, said cause coming on for trial, and Charles Bang and the Barclay Naval Stores Co. having entered their appearance by Charles Bang, as claimants of said product, and having failed to file any answer to the libel, and having consented to the issuance of a decree, the court found the product adulterated and misbranded, as alleged, and condemned and forfeited the same to the United States and ordered the sale thereof by the marshal, but with a proviso that, upon payment of all costs and the execution of a bond by claimants in the sum of \$100, conditioned that said property should not be again sold contrary to the provisions of law, it should be released to the claimants.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 31, 1912.

1373



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1374.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF MACARONI.

On August 28, 1911, the United States Attorney for the District of Maryland, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 10 boxes of macaroni, found upon the premises of Joe Mascari, Baltimore, Md. The product was labeled "Super Extra Quality of Neapolitan Macaroni—Guaranteed by the manufacturer under the Pure Food and Drugs Act of June 30, 1906—Gragnano Style—Pulcinella Brand—Made as used in Italy—Registered Trade Mark".

The Bureau of Chemistry of the United States Department of Agriculture reported on this product that an inspection of the manufacturer's establishment, the Union Macaroni Co., Wilmington, Del., showed that the product was manufactured in Wilmington, Del., and was therefore of domestic origin. The libel alleged that the product, after shipment by the Union Macaroni Co. from the State of Delaware into the State of Maryland, remained in the original unbroken packages and was misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Misbranding was alleged because the product was labeled in a manner to indicate that it was manufactured in the Kingdom of Italy, when, in truth and in fact, the said product was manufactured in Wilmington, Del.

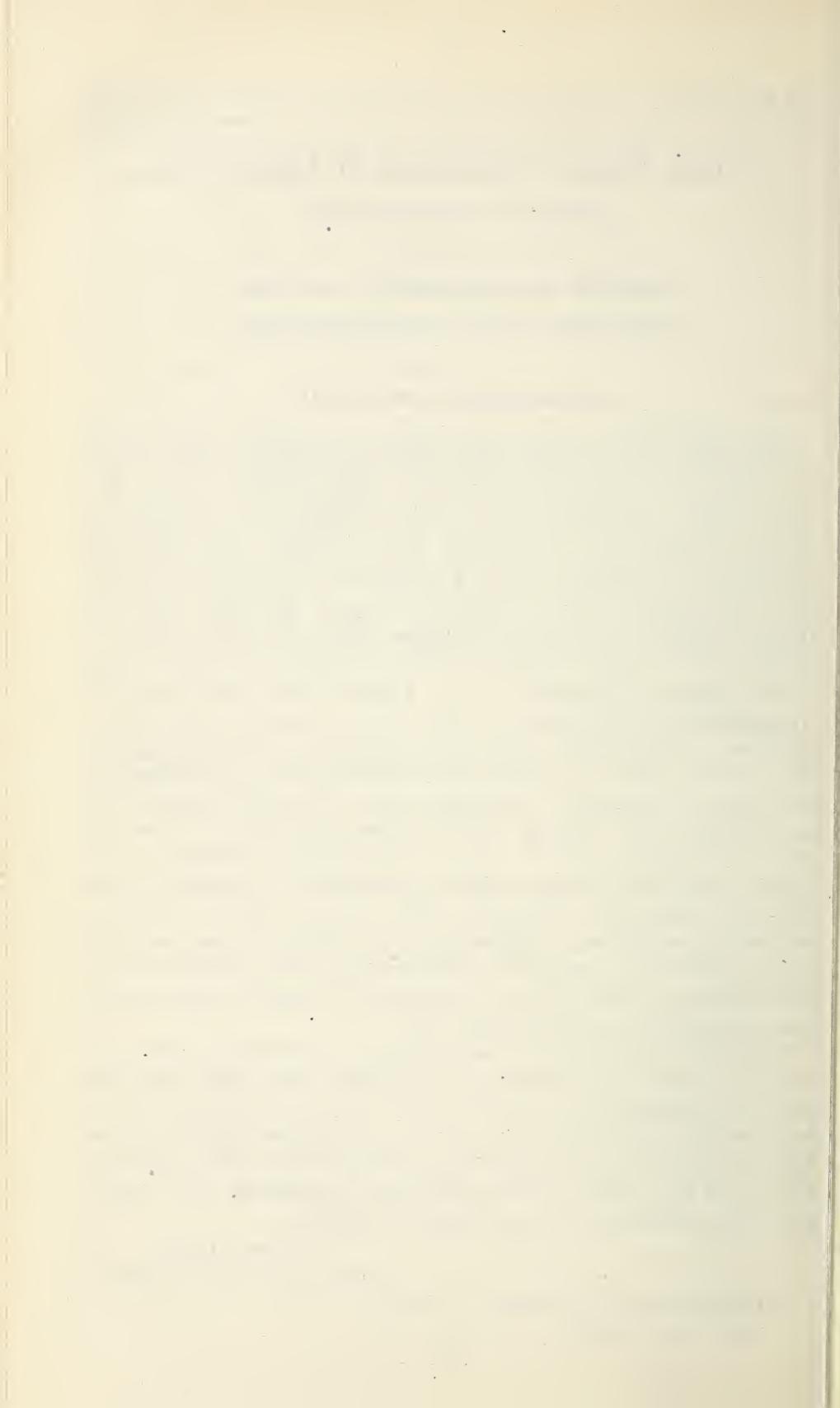
On October 23, 1911, the cause coming on for hearing, and no one having appeared as claimant or filed answer, the court found the product misbranded as alleged in the libel and entered a decree, condemning and forfeiting the same to the United States, and on October 28, 1911, a final decree was entered by the court, directing the sale of the product by the marshal, for the highest price obtainable, after the removal of the deceptive branding.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., January 31, 1912.

28315°—No. 1374—12





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1375.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF CHESTNUTS.

On October 21, 1911, the United States Attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of seven bags of chestnuts in the possession of Davis & Davis in the city of Baltimore. The product was labeled: "Davis & Davis, Produce & General Commission Merchants, 4 and 6 E. Camden St., Baltimore, Md. From A. Puffenbarger, Monterey, Va."

Examination of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results: Sound nuts, 53.7 per cent; visibly wormy from outside inspection, 33.7 per cent; found to be wormy when cut open, 12.6 per cent. The libel alleged that the product, after transportation from the State of West Virginia into the State of Maryland, remained in the original unbroken packages and was adulterated in violation of the Food and Drugs Act of June 30, 1906, because it consisted in part of filthy animal and vegetable substances, to wit, worms, worm excreta, worm-eaten and decayed chestnuts, and was therefore liable to seizure for confiscation.

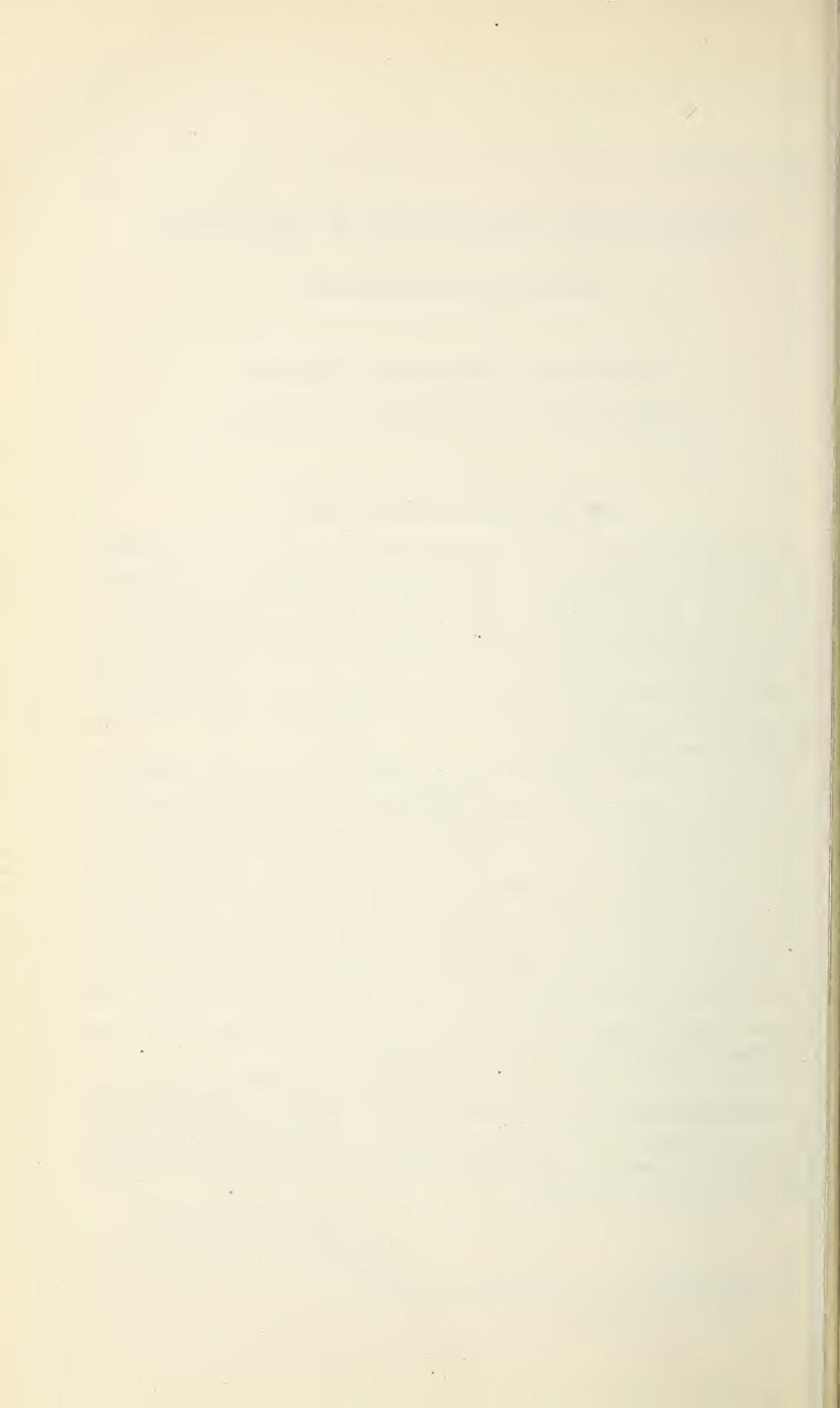
On November 8, 1911, the case coming on for hearing and no one having appeared or made answer, the court found the product adulterated, as alleged in the libel, and entered a decree condemning and forfeiting the same to the United States and ordering its complete destruction by the marshal.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., February 1, 1912.

28742°—No. 1375—12





Issued May 17, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1376.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF BERRY'S FRECKLE OINTMENT.

On September 28, 1911, the United States Attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed two libels in the District Court of the United States for said district praying condemnation and forfeiture of 96 jars and 84 jars of Dr. C. H. Berry's Freckle Ointment, 18 jars of which were in the possession of the Golden Rule (Inc.), 78 jars in the possession of Noyes Bros. & Cutler, and 84 jars in the possession of the Minneapolis Drug Co., respectively, all of the city of Minneapolis, Minn. Each of the said jars containing said product was labeled as follows: (On carton) "Dr. C. H. Berry's Freckle Ointment—for freckles, tan, moth patches, muddy complexion and all discolorations of the skin. * * * Dr. C. H. Berry Company—Chicago, New York.—Guaranteed by Dr. C. H. Berry Company under the Food and Drugs Act, June 30, 1906. Serial Number 8176 —" (Label on jar) "Dr. C. H. Berry's Freckle Ointment—Positively removes freckles and tan * * * Dr. C. H. Berry Co., Chicago New York * * * Rub a small quantity of the ointment into discolorations before retiring—No. 8176. Guaranteed by Dr. C. H. Berry Co." (On small circular enclosed with jar in carton) "Directions for using this cream * * * There is positively nothing injurious in any of our preparations. They are strictly hygienic and work wonders for the complexion. * * * Dr. C. H. Berry Company."

Analysis of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed it to contain about 12 per cent of ammoniated mercury and 0.7 per cent of zinc oxide. The libels alleged that the product, after transportation from the State of Illinois into the State of Minnesota,

remained in the original unbroken packages and was misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Misbranding was alleged in each libel for the reason that the circular packed in each carton and with each and all of the jars of said product, containing directions for using same, bore statements regarding the ingredients and substances contained in said jars which were false and misleading, in that it was declared on each of said circulars that "there is positively nothing injurious in any of our preparations," when, in fact, the said product is injurious in this, to wit, that it contains a large quantity of a poisonous substance, to wit, 11.63 per cent of ammoniated mercury.

On November 20, 1911, the cases coming on for hearing and no one having appeared as claimant, or filed answer, the court found the product in each case misbranded as alleged in the libel and entered decrees condemning and forfeiting the same to the United States, and ordering the complete destruction thereof by the marshal.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *February 1, 1912.*

1376



F. & D. No. 2525.
S. No. 898.

Issued May 17, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1377.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF VANILLA EXTRACT.

On March 18, 1911, the United States Attorney for the District of New Jersey, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of one barrel of vanilla extract in the possession of Junjalas & Psichos, Newark, N. J. The product was labeled: "XXXXX Vanilla."

Analysis of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results: Specific gravity 15.6° C., 1.1136; alcohol by volume, 18.50 per cent; methyl alcohol, absent; solid matter, 35.6 per cent; sucrose, 25.4 per cent; invert sugar, 1.02 per cent; non-sugar solids exclusive of vanillin and coumarin, 8.34 per cent; ash, 0.08 grams per 100 cc; phosphoric acid, 6.3 mg per 100 cc; vanillin, 0.66 per cent; coumarin, 0.06 per cent; vanilla resins, absent; caramel, present. The libel alleged that the product, after shipment by the Manhattan Importing Co., Cleveland, Ohio, from the State of Ohio into the State of New Jersey, remained in the original unbroken package, and was adulterated and misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Adulteration and misbranding was alleged in the libel in words and figures as follows: That the said alleged vanilla extract, so contained in the said barrel, is labeled "XXXXX Vanilla", which label, inscription, delineations and language were then and there intended by their terms and style of display to indicate that the contents of said barrel were pure vanilla extracts, when in truth and in fact the alleged vanilla extract as contained in said barrel was not the product indicated by the terms displayed on the said label thereon,

but contained added vanillin, coumarin, and imitation extract of vanilla, and was also colored with caramel to conceal its inferiority. Your libelant represents that the said alleged vanilla extract particularly described as aforesaid was intended for consumption as food, and that said article of food, to wit, alleged vanilla extract aforesaid, was adulterated and misbranded, and the said labels were intended and calculated to deceive and mislead the purchaser thereof.

On April 18, 1911, the case coming on for hearing and no one having appeared as claimant or filed answer, the court found the product adulterated and misbranded as alleged in the libel and entered a decree condemning and forfeiting it to the United States and ordering it to be sold at public auction by the marshal.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., February 3, 1912.

1377



Issued May 17, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1378.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF CHESTNUTS.

On October 7, 1911, the United States Attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 12 bags of chestnuts in the possession of Baltimore Steam Packet Co. in the city of Baltimore. The product was labeled on shipping tag as follows: "From Stephens Bros.—Shipping point Baltimore, Md.—P. O.—S. A. D. Parker and Company successors to W. W. Sawyner and Co., Commission merchants and produce dealers, 17 and 19 Roanoke Dock—Norfolk, Va."

Examination of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed that 44 per cent of the chestnuts were sound and 56 per cent were wormy. The libel alleged that the product, after transportation from the State of Virginia into the State of Maryland, remained in the original unbroken packages, and was adulterated in violation of the Food and Drugs Act of June 30, 1906, because it consisted in part of filthy animal and vegetable substances, to wit, worms, worm excreta, worm-eaten chestnuts, and decayed chestnuts, and was therefore liable to seizure for confiscation.

On November 8, 1911, the case coming on for hearing and no one having appeared as claimant or filed answer, the court found the product adulterated, as alleged in the libel, and entered a decree condemning and forfeiting it to the United States and ordering its complete destruction by the marshal.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., February 1, 1912.

28728°—No. 1378—12



F. & D. Nos. 2950, 2951, 2952, 2953, 2954.
S. No. 1068.

Issued May 17, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1379.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF KINTHO BEAUTY CREAM.

On September 25, 1911, the United States Attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district two libels praying condemnation and forfeiture of 155 jars of "Kintho Beauty Cream" and 371 jars of the same product in the possession of the Mansur Drug Co., Noyes Bros. & Cutler, The Golden Rule (Inc.), the Minneapolis Drug Co. (Inc.), and the Powers Mercantile Co. (Inc.), as follows: 24 large and 60 small jars in the possession of the Mansur Drug Co., St. Paul, Minn.; 45 large and 8 small jars in the possession of Noyes Bros. & Cutler, St. Paul, Minn.; 18 small jars in the possession of the Golden Rule (Inc.), St. Paul, Minn.; 41 large and 208 small jars in the possession of the Minneapolis Drug Co., Minneapolis, Minn.; and 122 small jars in the possession of the Powers Mercantile Co., Minneapolis, Minn. The small jars of said product were labeled: (On top of jar) "Kintho Beauty Cream." (On label around jar) "Kintho Mfg. Co. Guaranteed under the Food and Drugs Act, June 30, 1906. Serial Number 5539." (On bottom of jar) "Kintho Beauty Cream—For removal of freckles.—It is absolutely harmless * * * Kintho Mfg. Co., Inc.—46 Chapin Block, Buffalo, N. Y." The large jars of said product were labeled as follows: (On top of jar) "Kintho Beauty Cream—Kintho Mfg. Co.—Buffalo and New York, N. Y." (On label around jar) "Kintho Mfg. Co. Guaranteed by Kintho Mfg. Co. under the Food and Drugs Act, June 30, 1906, Serial Number 5539."

(Label on bottom of jar) "Kintho Beauty Cream Kintho Beauty Cream is for facial use only. For the removal of freckles, pimples, moth patches, and all blemishes of the complexion, including exzema. It Is Absolutely Harmless * * * Made for Kintho Mfg. Co. (Inc.) 46 Chapin Block, Buffalo, N. Y."

Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed it to contain ammoniated mercury, 14.72 per cent, and bismuth sub-nitrate, 5.78 per cent. The libels alleged that the product, after shipment by the Kintho Manufacturing Co., Buffalo, N. Y., from the State of New York into the State of Minnesota, remained in the original unbroken packages and was misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Misbranding was alleged in each of the libels for the reason that the label on each of said jars containing said product bore a statement regarding the ingredients and substances contained therein which was false and misleading in this, that said "Kintho Beauty Cream" was declared on said label to be absolutely harmless, whereas in truth and in fact it was not harmless, but contained a large quantity of a poisonous substance, to wit, 14 per cent of ammoniated mercury.

On November 20, 1911, the cases coming on for hearing, and no one having appeared as claimant or filed answer to either libel, the court found the product in each case misbranded as alleged in the libels, and entered decrees condemning and forfeiting it to the United States and ordering its complete destruction by the marshal.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., February 1, 1912.

1379



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1380.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF OYSTERS.

On October 18, 1911, the United States Attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel against five barrels of oysters in the possession of M. J. Ryan, Philadelphia, Pa., and a libel against nine barrels of oysters in the possession of Hageman & Pole, Philadelphia, Pa., praying condemnation and forfeiture of said oysters. The five barrels of oysters were labeled "M. J. Ryan, Philadelphia." The nine barrels were labeled "Hageman & Pole, Philadelphia."

The Bureau of Chemistry of the United States Department of Agriculture, after a bacteriological examination of a sample of each of said consignments, reported that 20 hours' incubation at 37° C. revealed 10 out of 10 of these oysters to show gas in 1 cc liquor and also in 1/10 cc liquor. Five out of 10 of the oysters showed gas in 1/100 of 1 cc liquor, and that examination of the water taken from the floats in which these oysters were being treated before shipment also showed pollution. The typhoid bacillus was isolated from these oysters. The libels alleged that the oysters, after shipment by Sprague & Doughty, Far Rockaway, Long Island, N. Y., from the State of New York into the State of Pennsylvania, remained in the original unbroken packages and were adulterated in violation of the Food and Drugs Act of June 30, 1906, because they consisted in part of a filthy, decomposed, and putrid animal substance, and were therefore liable to seizure for confiscation.

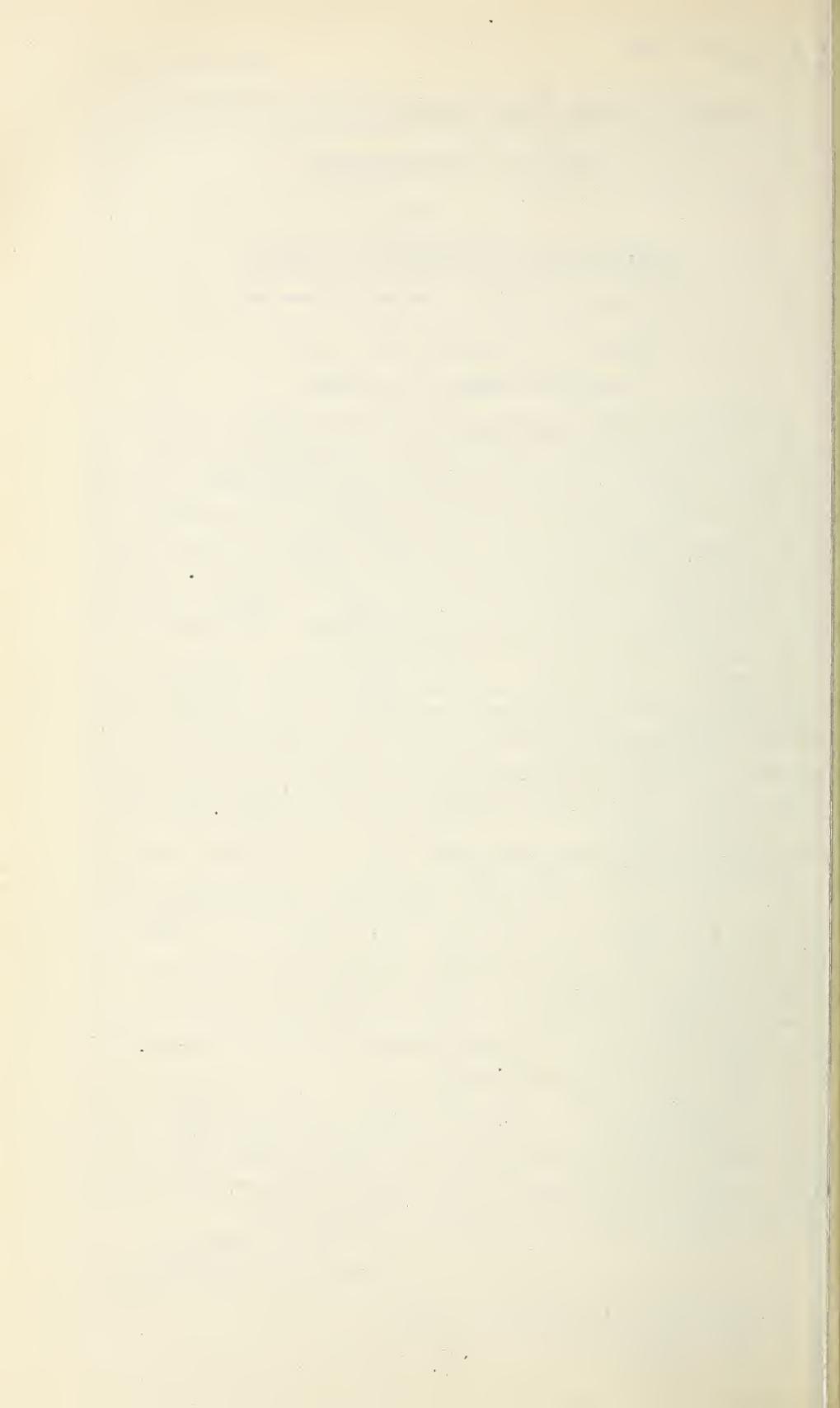
On November 10, 1911, the cases coming on for hearing and no one having appeared as claimant or filed answer, the court found the oysters in each case adulterated as alleged in the libel and entered decrees condemning and forfeiting the same to the United States, and ordering their destruction by the marshal.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., February 2, 1912.

28728°—No. 1380—12





F. & D. No. 2776.
I. S. No. 8518-c.

Issued May 17, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1381.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF TOMATO CATSUP.

On October 6, 1911, the United States Attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Atlas Preserving Co., a corporation, of Baltimore, Md., alleging shipment by it, in violation of the Food and Drugs Act, on or about September 27, 1910, from the State of Maryland into the State of Louisiana, of a quantity of tomato catsup which was adulterated. The product was labeled (on barrel end) "Dixie Catsup 1/5 of 1% benzoate of soda Distributed by Harry Hyman & Co., New Orleans, La."

Microchemical examination of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed yeasts and spores 53 per one-sixtieth cmm, bacteria numerous, estimated at 190,000,000 per cc, and mold filaments in 75 per cent of the fields. Adulteration was alleged for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

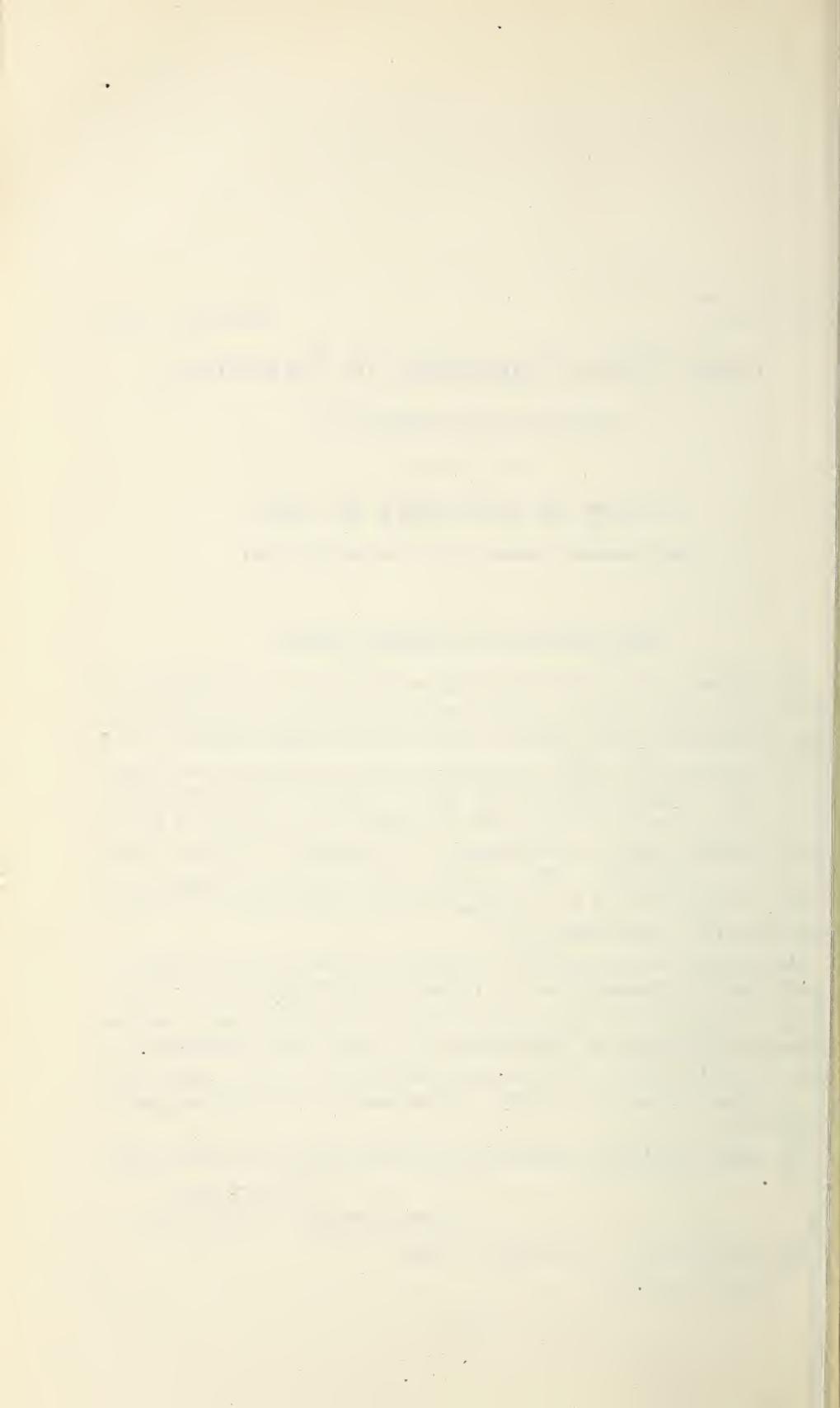
On April 6, 1911, the defendant pleaded guilty and was fined \$20.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., February 2, 1912.

28728°—No. 1381—12





F. & D. No. 2227.
I. S. No. 249-c.

Issued May 17, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1382.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF OYSTERS.

On April 14, 1911, the United States Attorney for the District of Columbia, acting upon a report of the Secretary of Agriculture, filed information in the Police Court of said District against William H. Hayden, alleging that he unlawfully did offer for sale within said District on September 6, 1910, a quantity of oysters in shell which were adulterated.

Examination of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: "The presence of an excessive number of organisms and the *B. coli* group in the following: 9 out of 9 oysters in 1 cc shell liquor; 9 out of 9 oysters in 0.1 cc shell liquor; 7 out of 9 oysters in 0.01 cc shell liquor; 2 out of 9 oysters in 0.001 cc shell liquor; indicating a filthy, decomposed animal substance." Adulteration was alleged for the reason that the oysters consisted in whole or in part of a filthy, decomposed, and putrid animal or vegetable substance.

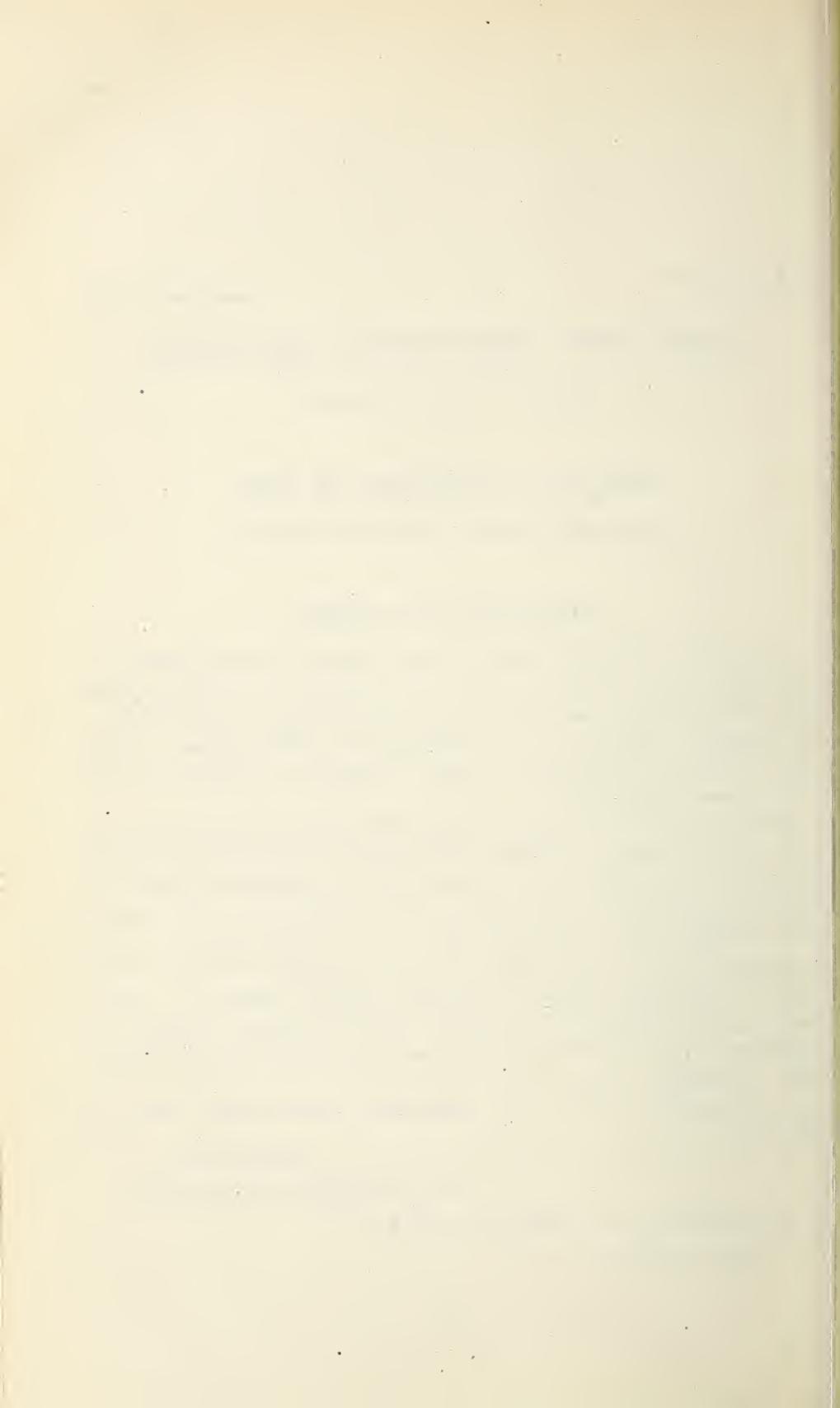
On November 28, 1911, the defendant pleaded guilty and was fined \$5.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., February 2, 1912.

28728°—No. 1382—12





F. & D. No. 3030.
S. No. 1103.

Issued May 17, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1383.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF MARASCHINO CHERRIES.

On October 19, 1911, the United States Attorney for the Middle District of Tennessee, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 30 cases of maraschino cherries found in Warehouse No. 1, Cummins Station, Nashville, Tenn., occupied by C. T. Cheek & Sons. The retail packages were labeled: "Bourbon Brand Maraschino Cherries—Superior Quality." The sticker on the reverse of each bottle contained the following statement: "1/10 of 1% Sodium Benzoate Harmlessly Flavored Certified color lot 154. Packed for C. T. Cheek & Sons, Nashville, Tenn."

Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed that the cherries were not packed in maraschino liqueur or in a solution flavored with that substance. The libel alleged that the product, after shipment by the Cincinnati Extract Works, Cincinnati, Ohio, from the State of Ohio into the State of Tennessee, remained in the original unbroken packages and was misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Misbranding was alleged for the reason that the product was labeled in such a manner as to indicate that the cherries were packed in maraschino liqueur or in a solution flavored with that substance, when in fact said cherries were not so packed, and the label or brands on the packages containing said cherries were

therefore false and misleading and calculated to deceive and mislead the purchaser.

On November 13, 1911, the case coming on for hearing and it appearing to the court that C. T. Cheek & Sons had appeared as claimants of the property and filed answer, the court found the product misbranded as alleged in the libel and entered a decree condemning and forfeiting the same to the United States, but with a proviso that upon the payment of all costs by claimants and the execution by them of a bond in the sum of \$250, conditioned that the property should not be again sold contrary to law, that it should be released to the said C. T. Cheek & Sons.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., February 2, 1912.

1383



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1384.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CHEESE.

On September 18, 1911, the United States Attorney for the Middle District of Tennessee, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 18 boxes of Daisy cheese in the possession of W. A. Chambers & Co., of Clarksville, Tenn. The product was labeled: "Crosby & Meyers, Louisville, Ky. W. A. Chambers & Co., Clarksville, Tenn."

The Bureau of Chemistry of the United States Department of Agriculture, after an investigation, reported on this consignment as follows: "The consignment was shipped by Crosby & Meyers and taken from this firm's stock in the Merchants Ice and Cold Storage Co., of Louisville. Each of the packages bears marks in Arabic numerals indicative of the net weight, and was invoiced and charged for accordingly. These marks indicate that the weights range from 21 to 22 pounds per package, and the inspector procured a signed statement to the effect that such numerals, according to custom of trade, were accepted by the consignee as a true statement of the net weight. Two boxes are marked 20 pounds each, 8 are marked 21 pounds each, and 8 are marked 22 pounds each, making a total of 384 pounds. Accurate determination of the net weight showed that two boxes were one-half pound short each, three boxes three-fourths pound short each, seven boxes 1 pound short each, four boxes $1\frac{1}{4}$ pounds short each, and two boxes $1\frac{1}{2}$ pounds short each, making a total shortage of $18\frac{1}{4}$ pounds or 4.75 per cent." The libel alleged that the product, after shipment by Crosby & Meyers, of Louisville, Ky., from the State of Kentucky into the State of Tennessee, remained in the original unbroken packages and was misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Misbranding was alleged for the reason that the product being in package form and the contents stated in terms of weight or measure were not correctly stated on the outside

of the package, and the statements on the package were therefore false and misleading and calculated to deceive and mislead the purchaser of said product.

On October 20, 1911, the case coming on for hearing and W. A. Chambers & Co., through their attorney, having filed answer and claim to the product, the court found the cheese misbranded as alleged in the libel and entered a decree condemning and forfeiting it to the United States, but authorizing its release to the said W. A. Chambers & Co. upon the payment of all costs and the execution of a bond by said company in the sum of \$250, conditioned that said product should not be again sold contrary to law.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *February 3, 1912.*

1384



F. & D. No. 2323.
I. S. No. 9915-c.

Issued May 17, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1385.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF OYSTERS.

On April 14, 1911, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed information in the Police Court of said District against James C. Bailey, alleging that he unlawfully did offer for sale within said District, on September 17, 1910, in violation of the Food and Drugs Act, a quantity of oysters which were adulterated. The product bore no label.

An examination of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the presence of an excessive number of organisms including the *B. coli* group in 5 out of 5 oysters in 1 cc liquor; 5 out of 5 oysters in 0.1 cc liquor; 2 out of 5 oysters in 0.01 cc liquor, indicating a filthy, decomposed substance. Adulteration was alleged for the reason that the product consisted in whole or in part of a filthy, decomposed, and putrid animal or vegetable substance.

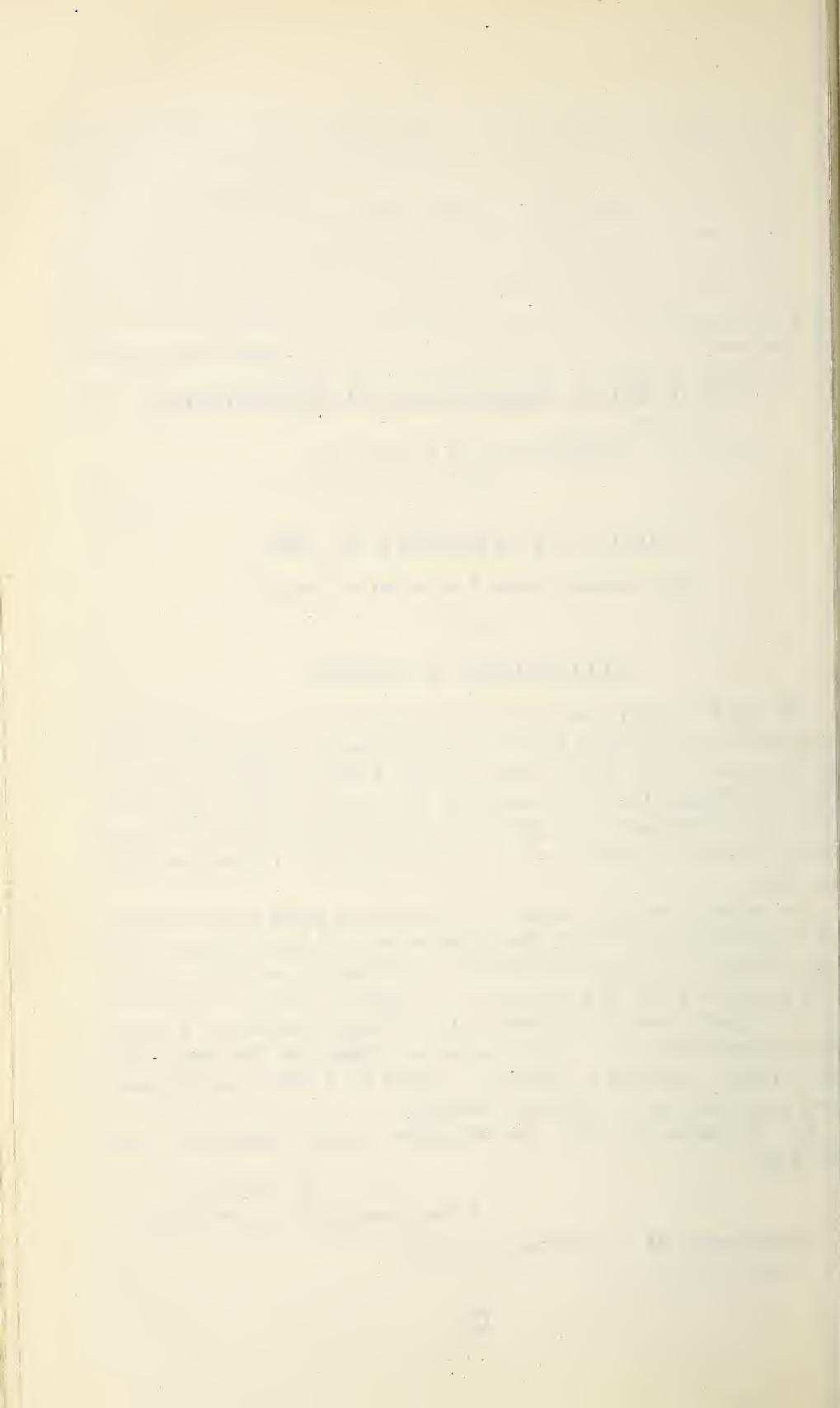
On November 28, 1911, the defendant pleaded guilty and was fined \$5.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., February 2, 1912.

28743°—No. 1385—12





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1386.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF OYSTERS.

On April 14, 1911, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed information in the Police Court of said District against H. A. Hayden, alleging the unlawful offering for sale in said District, on September 6, 1910, in violation of the Food and Drugs Act, of a quantity of oysters which were adulterated. This product bore no label.

Examination of a sample of said oysters made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: "2,430,000 organisms per cc on plain agar at 25° C.; 1,000 *B. coli* per cc; 10 oysters show the presence of *B. coli* in 1 cc of shell liquor; 9 oysters show the presence of *B. coli* in 0.1 cc of shell liquor; 4 oysters show the presence of *B. coli* in 0.01 cc of shell liquor; 10 oysters examined. These results indicate a filthy and decomposed animal substance." Adulteration was alleged for the reason that the product consisted in whole or in part of a filthy, decomposed, and putrid animal or vegetable substance.

On November 28, 1911, the defendant pleaded guilty and was fined \$5.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., February 2, 1912.



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1387.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CHEESE.

On October 6, 1911, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 135 boxes of cheese owned by D. W. Whitmore & Co. and located in the Merchants' Refrigerating Warehouse, city of New York. The product was labeled: "D. W. Whitmore, New York, 5003," and was invoiced as "135 Flats, 4381#" and billed as "135 boxes cheese."

Examination of a sample of said product by the Bureau of Chemistry of the United States Department of Agriculture showed it was a sour skimmed milk cheese, very tough, full of pin holes, bad tasting, was made from gassy curds, and that the milk had been improperly handled, and that the product was too tough and too bad in taste to be used for human food, and that the fat content was below 2 per cent. The libel alleged the interstate shipment of the product by the Lake Zurich Creamery Co.; that it remained in the original unbroken packages, and was adulterated and misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Adulteration was alleged in that a valuable constituent of the cheese (butter fat) had been wholly or in part abstracted therefrom. Misbranding was alleged in that the article was in fact skimmed milk cheese and was branded in imitation of and offered for sale under the distinctive name of another article, to wit, cheese.

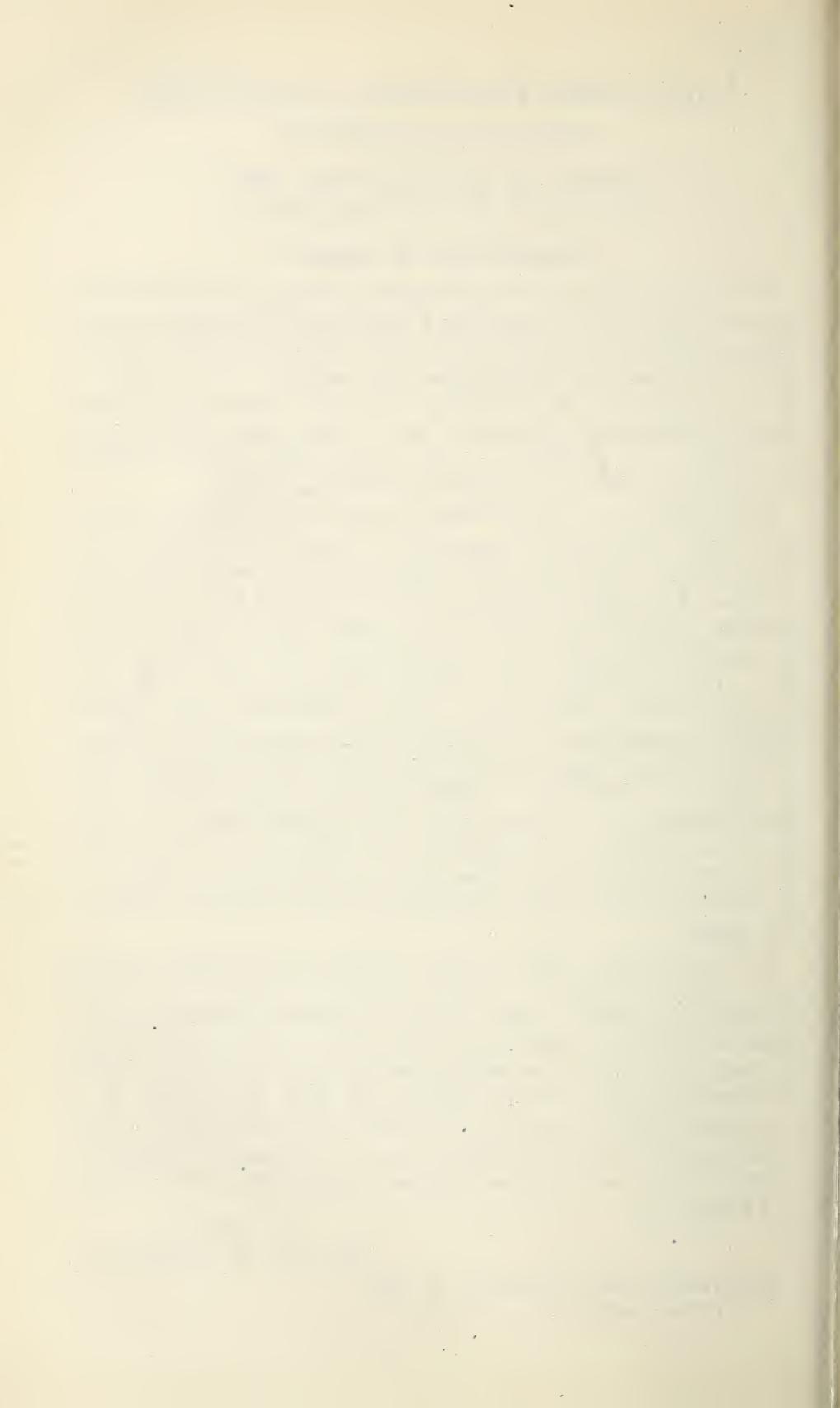
On November 29, 1911, the case coming on for hearing and the Lake Zurich Creamery Co. having appeared as claimant and filed answer to the libel, the court found the product misbranded as alleged in the libel and condemned and forfeited it to the United States and ordered its sale by the marshal, but authorized the release of said product to the Lake Zurich Creamery Co. upon the payment by it of all costs and the execution of a bond in the sum of \$500, conditioned that said property shall not be sold or otherwise disposed of contrary to law, and shall be relabeled in conformity with the Food and Drugs Act.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., February 10, 1912.

31127°—No. 1387—12





F. & D. No. 3232.
S. No. 1187.

Issued May 17, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1388.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF RICE.

On November 20, 1911, the United States Attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 100 bags of rice in the possession of Seabury & Co., St. Paul, Minn. The product was labeled: "Extra fancy Japan Rice coated with glucose and talc. Remove by washing before using. 100 lbs. net H B G."

The Bureau of Chemistry, after investigation, reported that the said rice was a domestic-grown product of Japan species, ordinary quality. The libel alleged that the rice, after shipment by P. E. Vallee & Co., New Orleans, La., from the State of Louisiana into the State of Minnesota, remained in the original unbroken packages, and was misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Misbranding was alleged because said product was labeled so as to deceive and mislead the purchaser thereof, in this, that the words "Japan Rice" contained on the label indicated that said rice was a product of the Empire of Japan, when in fact said rice was a domestic product, that is to say, produced and grown in the United States of America. Misbranding was further alleged because the use of the term "Extra fancy" contained in said label, as descriptive of said grade of rice, was false and misleading, said rice being in fact a domestic product of ordinary quality.

On November 28, 1911, the case coming on for hearing and the said Seabury & Co. having appeared and made answer and consented in writing that a decree of condemnation and forfeiture be entered as prayed for in the libel, and it further appearing to the court that the marshal had seized 80 boxes of the said rice, the court found the said rice misbranded as alleged and entered a decree condemning and forfeiting the same to the United States, but with a proviso that it might be released to Seabury & Co., claimant, upon the payment by them of all costs and the execution of a bond in the sum of \$500, conditioned that the said rice should not be sold or disposed of contrary to the provisions of the Food and Drugs Act, or the laws of any State, Territory, District, or insular possession.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., February 2, 1912.

1388



F. & D. No. 1917.
I. S. No. 19780-b.

Issued May 17, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1389.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF POWDERED EGG ALBUMEN.

On November 5, 1910, the United States Attorney for the Northern District of Illinois, acting upon a report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against W. K. Jahn Co., a corporation, alleging shipment by it, in violation of the Food and Drugs Act, on or about June 17, 1910, from the State of Illinois into the State of Missouri of a quantity of powdered egg albumen which was adulterated. The product was invoiced as "Powdered Egg Albumen" and was labeled on the barrel "331-37", and on the shipping tag attached to the barrel "The W. K. Jahn Co., 49 Franklin St., Chicago. The Dry Egg Co., 106 S. Main St., St. Louis, Mo."

Analysis of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed it to contain boron compounds, as crystallized borax, 0.16 per cent; reaction, alkaline. Adulteration was alleged in that said article contained an added poisonous and an added deleterious ingredient, to wit, boric acid, which rendered said article injurious to health.

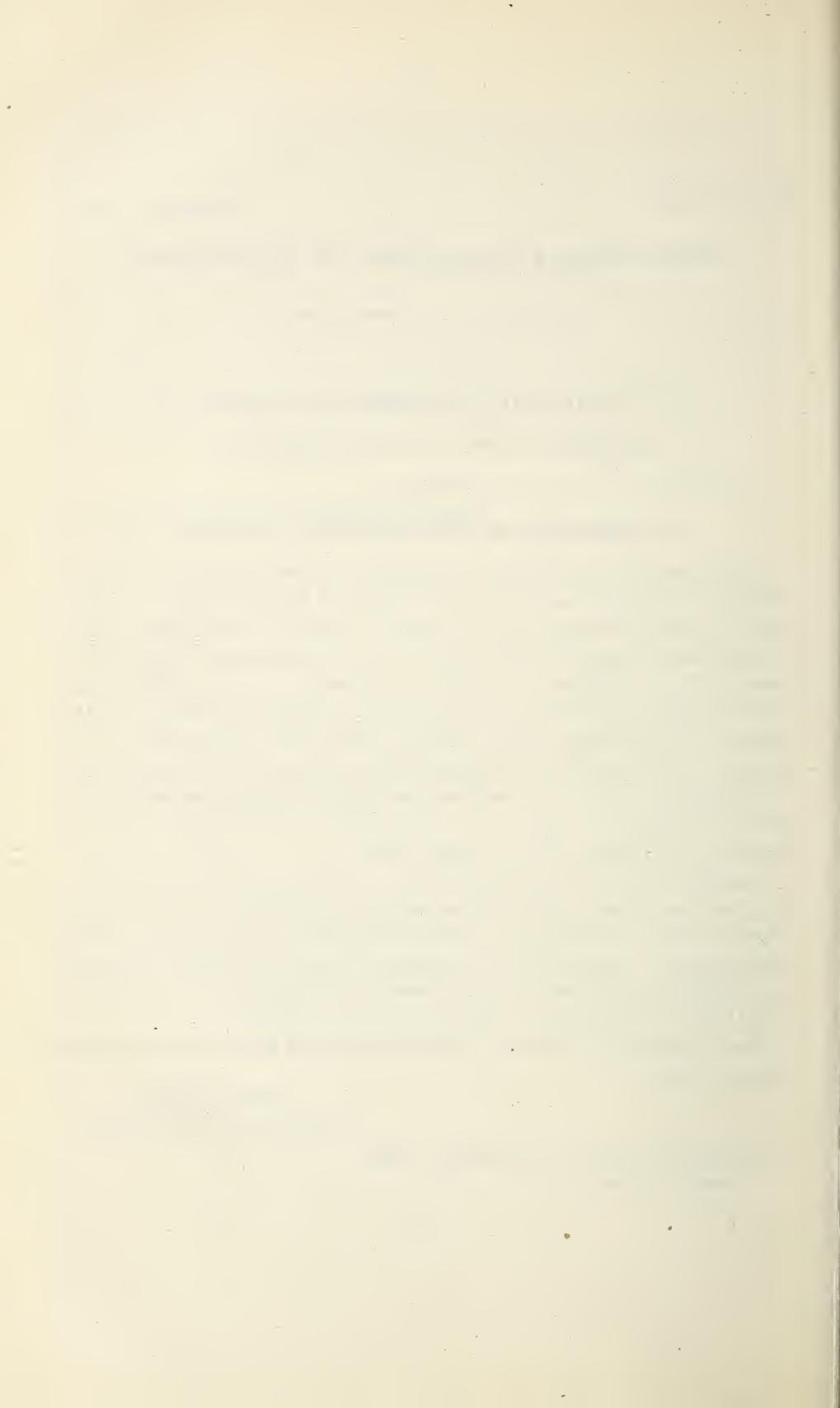
On November 21, 1910, the defendant pleaded guilty and was fined \$25 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., February 3, 1912.

29823°—No. 1389—12





Issued May 17, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1390.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF PEROXIDE OF HYDROGEN.

At a stated term of the District Court of the United States for the Northern District of California begun on the second Monday in July, 1911, the grand jurors of the United States for said district, upon presentation by the United States Attorney, acting upon a report by the Secretary of Agriculture, returned an indictment to said court against Langley & Michaels Co., a corporation, alleging shipment by it, in violation of the Food and Drugs Act, on or about July 14, 1910, from the State of California into the State of Washington of four cases of peroxide of hydrogen which was adulterated and misbranded. The product was labeled: "One Pound Peroxide of Hydrogen, U. S. P., 10 Volumes (3%) solution, Special for Medicinal Use. Each fluid ounce contains 12/100 grain acetanilide antiseptic, disinfectant and germicide. For internal and external use. Inodorous and harmless. * * * Guaranteed by Langley & Michaels Co., under the Food and Drugs Act, June 30, 1906. Serial Number 5146. Manufactured by Langley & Michaels Co., Pharmaceutical Specialties, San Francisco."

Analysis of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results: Per cent hydrogen dioxide (U. S. P.), 2.12; solids (grams per 20 cc as per U. S. P.), 0.044; acetanilide (grains per fluid ounce), 0.125; free acid (U. S. P.), much in excess (25 cc sample requiring 6.8 cc N/10 KOH to neutralize); free sulphuric acid, present; sulphates as K_2SO_4 (total SO_4), 0.07 per cent; arsenic (parts per million), 10; product was not water white but had faint straw color. Adulteration was alleged for the reason that the product was a drug and sold under and by a name recognized in the United

States Pharmacopœia, to wit, peroxide of hydrogen, but differed from the standard of strength, quality, or purity as determined by the test laid down in the said United States Pharmacopœia, which defines hydrogen peroxide to be a slightly acid aqueous solution of hydrogen dioxide ($H_2O_2=33.76$), which should contain, when freshly prepared, about 3 per cent, by weight, of absolute hydrogen dioxide, corresponding to about 10 volumes of available oxygen. Misbranding was alleged for the reason that the statement on the label was false and misleading, in that it represented the product as being in accordance with the standard of strength, quality, and purity as prescribed in the United States Pharmacopœia, when in fact it was deficient in hydrogen dioxide, and contained an excess of total solids and acid as shown by the aforesaid analysis.

On November 10, 1911, the defendant corporation pleaded guilty to the indictment and was fined \$100.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., February 5, 1912.

1390



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1391.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF PRESERVES.

On January 14, 1911, the United States Attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed two informations in the District Court of the United States for said district against S. J. Van Lill Co., a corporation in the city of Baltimore, alleging shipments by it, in violation of the Food and Drugs Act, on or about April 2, 1910, from the State of Maryland into the State of New York, of a quantity of preserves which were misbranded. The products were quince apple preserves and peach apple preserves, both being labeled as follows, with the exception of the name of the product: "Selected, contains no benzoate of soda or other artificial preservative or coloring. Astoria Brand x x Preserves. Prepared from granulated sugar, fruit and apple juice. Prepared by S. J. Van Lill & Co., Baltimore, Md."

A sample of each of said products was analyzed by the Bureau of Chemistry of the United States Department of Agriculture with the following results: The quince apple preserves showed a total ash of 1.05 per cent and 0.31 per cent phosphoric acid (P_2O_5), indicating added phosphoric acid; and the peach apple preserves showed a total ash of 0.65 per cent and 0.35 per cent phosphoric acid (P_2O_5), indicating added phosphoric acid. Misbranding was alleged against each of said products for the reason that the labels were false and misleading and tended to deceive the purchaser into the belief that the products in question consisted solely of granulated sugar, fruit, and apple juice, when in fact the analysis showed them to consist of said ingredients and added acid.

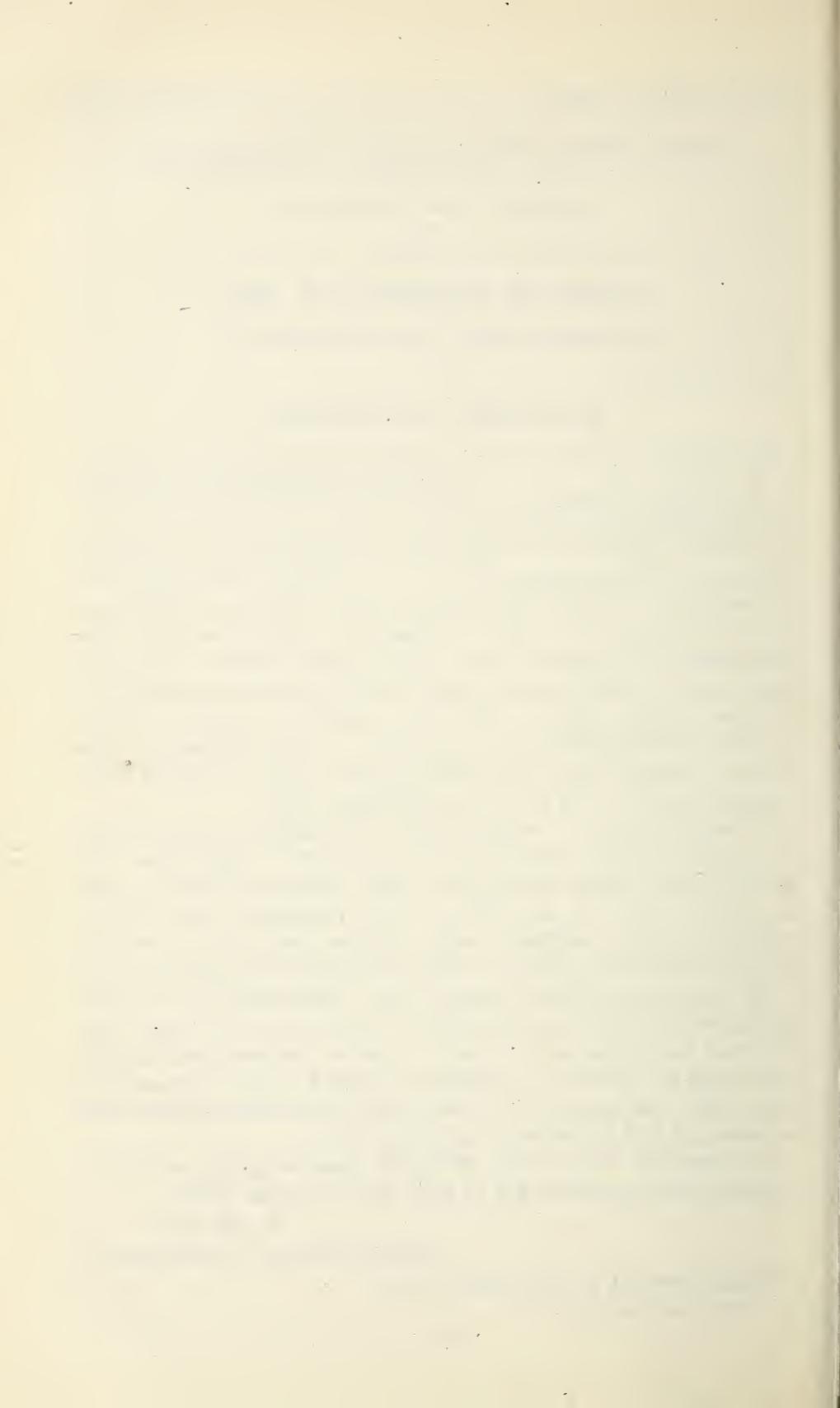
On November 28, 1911, the defendant pleaded guilty to both informations and was fined \$15 in each case, or a total of \$30.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., February 3, 1912.

29824°—No. 1391—12





Issued May 17, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1392.

(Given pursuant to section 4 of the Food and Drugs Act.)

ALLEGED MISBRANDING OF CLARENDON NATURAL MINERAL SPRING WATER.

On March 3, 1911, the United States Attorney for the District of Vermont, acting upon a report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against Robert Murray, transacting business under the firm name and style of the Clarendon Mineral Spring Co., West Rutland, Vt., alleging shipment by him, in violation of the Food and Drugs Act, on or about March 9, 1910, from the State of Vermont into the State of New York of a quantity of mineral water which was alleged to be misbranded. The product was labeled: "Clarendon Natural Mineral Spring Water. Clarendon Mineral Spring Co., Clarendon Springs, Vt. A most wonderful water. Noticeably and quickly diuretic. A preventive of and cure for affections of the Nervous System. Rheumatic and Gouty tendencies, disease arising from the Digestive Tract, all Kidney and Liver Complaints, Obesity, Cutaneous diseases, and has no equal as a neutralizing beverage in fevers."

Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results:

<i>Ions.</i>	Parts per million.
Phosphoric acid (PO_4)-----	None.
Metaboric acid (BO_2)-----	None.
Arsenic acid (AsO_4)-----	None.
Silica (SiO_2)-----	18. 2
Sulphuric acid (SO_4)-----	7. 0

	Parts per million.
Carbonic acid (CO_3)-----	0.0
Bicarbonic acid (HCO_3)-----	273.0
Nitric acid (NO_3)-----	0.9
Nitrous acid (NO_2)-----	0.3
Chlorin (Cl)-----	0.9
Bromin (Br)-----	None.
Iodin (I)-----	None.
Iron and aluminum (Fe and Al)-----	0.1
Manganese (Mn)-----	None.
Calcium (Ca)-----	52.9
Magnesium (Mg)-----	23.2
Potassium (K)-----	0.8
Sodium (Na)-----	2.6
Lithium (Li)-----	(1)
Oxygen (calculated) (O)-----	0.1
	380.0

Hypothetical combination.

	Spectroscopic traces.
Potassium chlorid (KCl)-----	1.5
Sodium nitrate (NaNO_3)-----	1.2
Sodium nitrite (NaNO_2)-----	0.4
Sodium chlorid (NaCl)-----	0.3
Sodium sulphate (Na_2SO_4)-----	6.2
Magnesium sulphate (MgSO_4)-----	3.5
Magnesium bicarbonate ($\text{Mg}(\text{HCO}_3)_2$)-----	135.1
Calcium bicarbonate ($\text{Ca}(\text{HCO}_3)_2$)-----	213.4
Iron oxid (Fe_2O_3)-----	0.2
Silica (SiO_2)-----	18.2
	380.0

Bacteriological:

Gas formation in 0.1 cc in 2 out of 12 samples.

Gas formation in 0.01 cc in 1 out of 12 samples.

No gas formation in 0.001 cc.

Colon not isolated.

Bacterial count high.

Misbranding was alleged in the information for reasons stated as follows: "The said water was labeled and branded, 'Clarendon Natural Mineral Spring Water, Clarendon Mineral Spring Company, Clarendon Springs, Vt. A most wonderful water. Noticeably and quickly diuretic. A preventive of and cure for affections of the Nervous System. Rheumatic and Gouty tendencies, diseases arising from the Digestive Tract, all Kidney and Liver Complaints, Obesity, Cutaneous diseases, and has no equal as a neutralizing beverage in fevers,' whereas in truth and in fact, said water is a very common limestone water, with a composition similar to any ordinary lime-

¹ No weighable amounts; spectroscopic trace.

stone water, and said water is misbranded in this, that whereas said water is labeled and branded, 'Noticeably and quickly diuretic,' it did not and does not have that therapeutic effect any more than any ordinary drinking water; and it is misbranded in this, that the same is branded and labeled as a 'preventive and cure for affections of the Nervous System, rheumatic and gouty tendencies, diseases arising from the Digestive Tract, and all kidney and liver complaints, obesity, cutaneous diseases, and has no equal as a neutralizing beverage in fevers,' all of which statements are false and misleading, and in truth and in fact said water is not a preventive and cure for affections of the nervous system, and is not a preventive and cure for rheumatic and gouty tendencies, and is not a preventive and cure of diseases arising from the digestive tract, and is not a preventive and cure of all kidney and liver complaints, and is not a preventive and cure for obesity, nor for cutaneous diseases, and because in truth and in fact it is not true that said water has no equal as a neutralizing beverage in fevers, and in truth and in fact, the said water is no more of a neutralizing beverage than any ordinary limestone water."

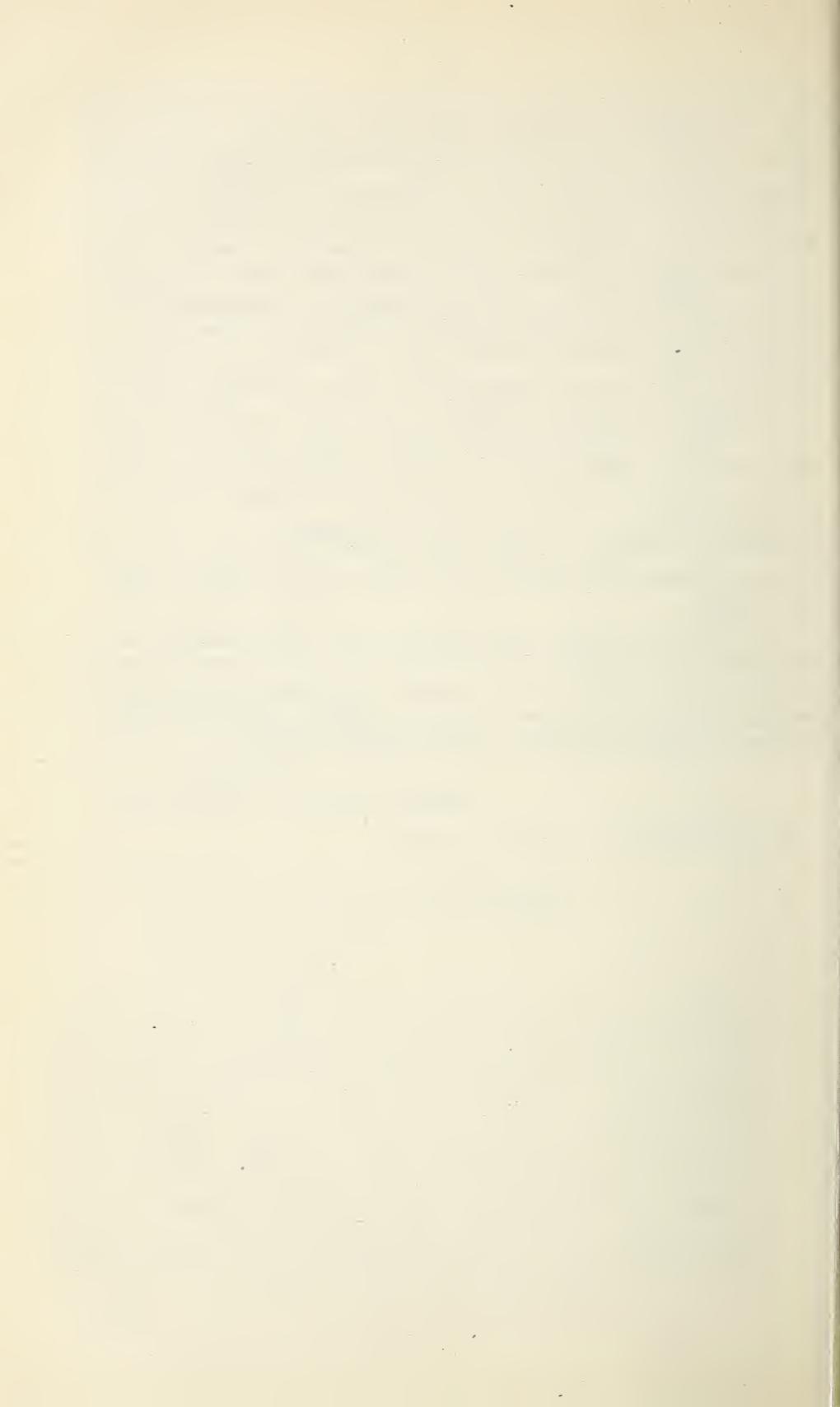
On November 13, 1911, the defendant filed a demurrer to the information on the ground of its insufficiency in law, and on November 21, 1911, the case coming on to be heard on demurrer, the court, after hearing arguments of counsel, entered an order on that day, sustaining the demurrer and ordered that the case be dismissed.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., February 5, 1912.

1392





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1393.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF APPLE JELLY.

On January 14, 1911, the United States Attorney for the District of Maryland, acting upon a report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against S. J. Van Lill Co., a corporation, Baltimore, Md., alleging shipment by it, in violation of the Food and Drugs Act, on or about November 23, 1909, from the State of Maryland into the State of Ohio of a quantity of apple jelly which was misbranded. The product was labeled: "Pure Apple Jelly. Distributed by The John H. Fitch Co., Youngstown, O."

Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed a total ash of 1.02 per cent and 0.33 per cent phosphoric acid (P_2O_5), indicating added phosphoric acid. Misbranding was alleged for the reason that the statement on the label, "Pure Apple Jelly", was false and misleading in that the said article was not pure apple jelly, but contained an excessive quantity of phosphoric acid, to wit, 0.33 per cent phosphoric acid, and for the further reason that the said article contained a substance not a recognized constituent of pure apple jelly, to wit, phosphoric acid.

On November 28, 1911, the defendant pleaded guilty and was fined \$15.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., February 3, 1912.

29824°—No. 1393—12



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1394.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF BUTTERFLY CANE AND MAPLE SYRUP.

At a stated term of the District Court of the United States for the Northern District of California, begun and held on the second Monday of July, 1911, the grand jurors of the United States within and for said district returned an indictment to said court against the Gordon Syrup Co., a corporation, Oakland, Cal., charging that on or about October 7, 1910, the defendant sold to Dixon Fagerberg, of Phoenix, Ariz., a quantity of syrup under a written guaranty that the same was not adulterated or misbranded within the meaning of the Food and Drugs Act of June 30, 1906, and that on or about October 17, 1910, the said defendant, at the request of the said Dixon Fagerberg, shipped the said syrup direct from Oakland, Cal., to E. S. Wakelin Grocer Co. (Inc.), at Phoenix, Ariz., and that the said product was misbranded. The product was labeled: "Butterfly Brand Cane and Maple Syrup, Gordon Syrup Co., Oakland-San Francisco, California, guaranteed by Gordon Syrup Co. under the Food and Drugs Act, June 30, 1906, Serial No. 24389."

Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: Total solids, 66.5 per cent; total ash, 0.08 per cent; soluble ash, 0.04 per cent; insoluble ash, 0.04 per cent; Winton lead number, 0.11. These results show that not more than 8 per cent of maple syrup is present, and probably not more than 5 per cent, if so much. Misbranding was charged in the indictment for the reason that the product was so labeled as to deceive and mislead the purchaser into the belief that the syrup was a composition of maple and cane syrup when in fact it contained practically no maple syrup nor had it any of the characteristics of maple syrup nor even the semblance of the flavor of maple syrup.

On November 29, 1911, the defendant, the Gordon Syrup Co., pleaded guilty to the indictment and was fined \$100.

The allegation in the information, "Sold to Dixon Fagerberg of Phoenix," is erroneous. Mr. Fagerberg's address is Prescott, Ariz.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., February 6, 1912.

29826°—No. 1394—12



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1395.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF ICE CREAM CONES.

On July 2, 1910, the United States Attorney for the Northern District of Georgia, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 48 packages of ice cream cones in the possession of the Blue Seal Ice Cream Co., Atlanta, Ga. The product was labeled, "Ice Cream Cones—Manufactured by the Consolidated Wafer Co."

Analysis by the Bureau of Chemistry of the United States Department of Agriculture of a sample of said product showed the following results: Boric acid, 0.16 per cent; saccharin, present; artificially colored. The libel alleged that the product, after shipment from the State of New York into the State of Georgia, remained in the original unbroken packages, and was adulterated in violation of the Food and Drugs Act of June 30, 1906, because it contained an added deleterious ingredient, to wit, boric acid, which might render said product injurious to health, and was therefore liable to seizure for ~~confiscation~~.

On April 6, 1911, the case coming on for hearing and it appearing to the court that the Blue Seal Ice Cream Co. had appeared and filed answer to the libel, the court found the product adulterated, as alleged in the libel, and entered a decree condemning and forfeiting it to the United States, and ordering it to be destroyed by the marshal.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., February 6, 1912.

29826°—No. 1395—12



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1396.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF TOMATO PULP.

On November 17, 1911, the United States Attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 400 cases of tomato pulp owned by the United Grocers Co. The product was labeled: "Emerson Brand Tomato Pulp." There were two consignments of 200 cases each.

Samples from each consignment, numbered I. S. No. 13157-d and 13158-d, respectively, were examined by the Bureau of Chemistry of the United States Department of Agriculture, with the following results: (I. S. No. 13157-d) Yeasts and spores, 35 per one-sixtieth cubic millimeter; bacteria, 22,000,000 per cubic centimeter; mold filaments in 88 per cent of the fields. (I. S. No. 13158-d) Yeasts and spores, 60 per one-sixtieth cubic millimeter; bacteria, 46,000,000 per cubic centimeter; mold filaments in 75 per cent of the fields. The libel alleged that the product, after shipment by B. S. Ayers & Sons Co., of Bridgeton, N. J., from the State of New Jersey into the State of New York, remained in the original unbroken packages, and was adulterated in violation of the Food and Drugs Act of June 30, 1906, because it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, and was therefore liable to seizure for confiscation.

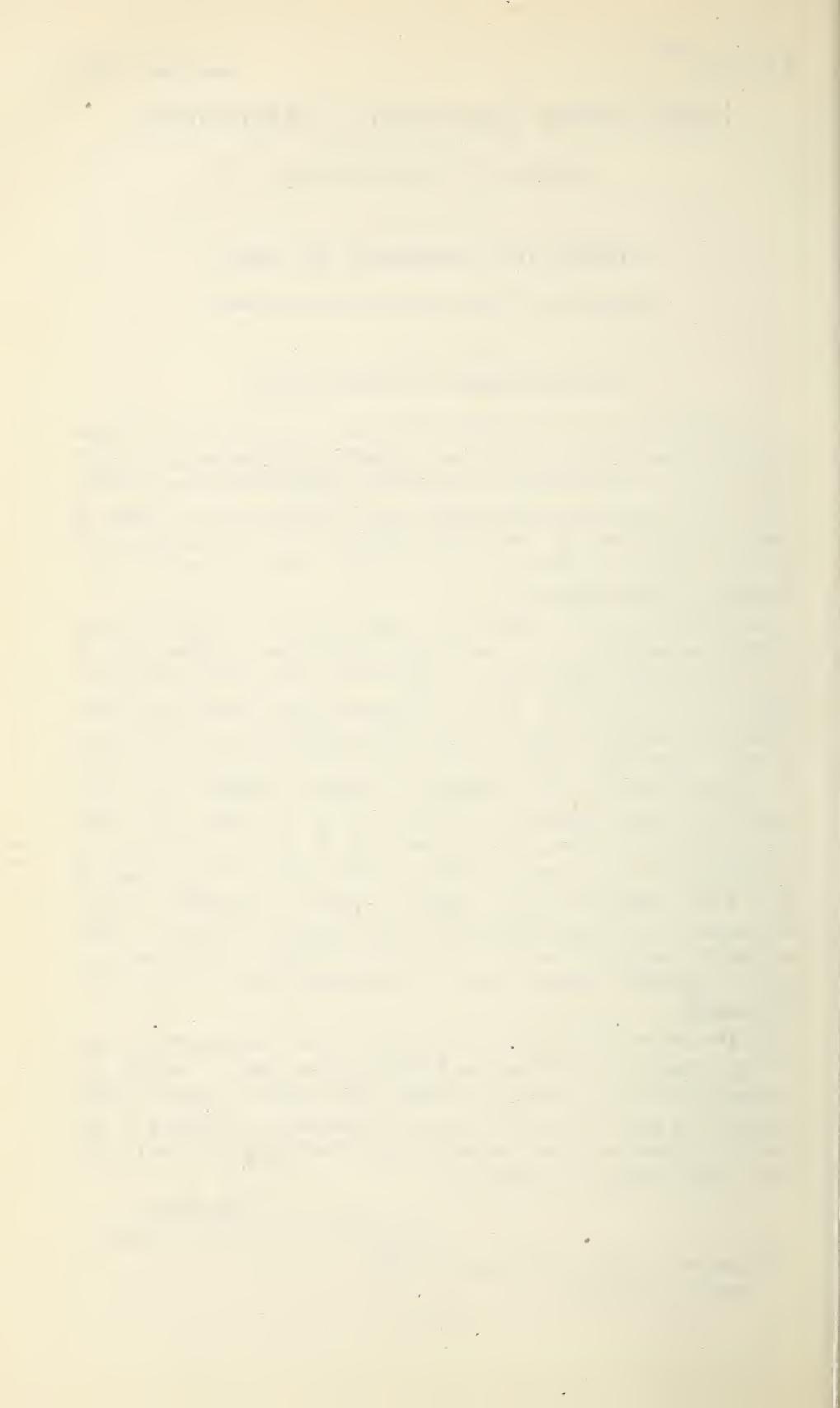
On December 13, 1911, the case coming on for hearing and no one having appeared as claimant and filed answer, and it further appearing to the court that the marshal had seized 95 cases of said product, the court found the product adulterated, as alleged in the libel, and entered a decree condemning and forfeiting it to the United States and ordering its destruction.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., February 6, 1912.

29826°—No. 1396—12





Issued May 18, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1397.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF MALT EXTRACT.

On December 7, 1911, the United States Attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against Theodore Hamm Brewing Co., a corporation, alleging shipment by it, in violation of the Food and Drugs Act, on or about July 27, 1910, from the State of Minnesota into the State of Missouri of a quantity of malt extract which was misbranded. The product was labeled: "Digesto Malt Extract Alcohol 4 per cent. A highly concentrated fermented Malt Liquor, guaranteed to be absolutely pure and unadulterated. Made from only the very finest barley malt, imported hops and pure artesian water. * * *"

Analysis of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results: Specific gravity 15.6° C./15.6° C., 1.0205; alcohol (per cent by volume), 5.50 (weight per cent 4.40) : reducing sugar as maltose 2.01 per cent; protein ($N \times 6.25$), 0.72. Extract (dried at 80° C.), 7.30 per cent; ash (mineral matter upon ignition), 0.242 per cent; total phosphoric acid in ash, 0.089 per cent. Misbranding was alleged for the reason that the label represented the product to be a highly concentrated malt liquor, which representation was misleading and deceptive in that the purchaser was led to believe that the article was a highly concentrated malt liquor when in fact it was not a concentrated malt liquor.

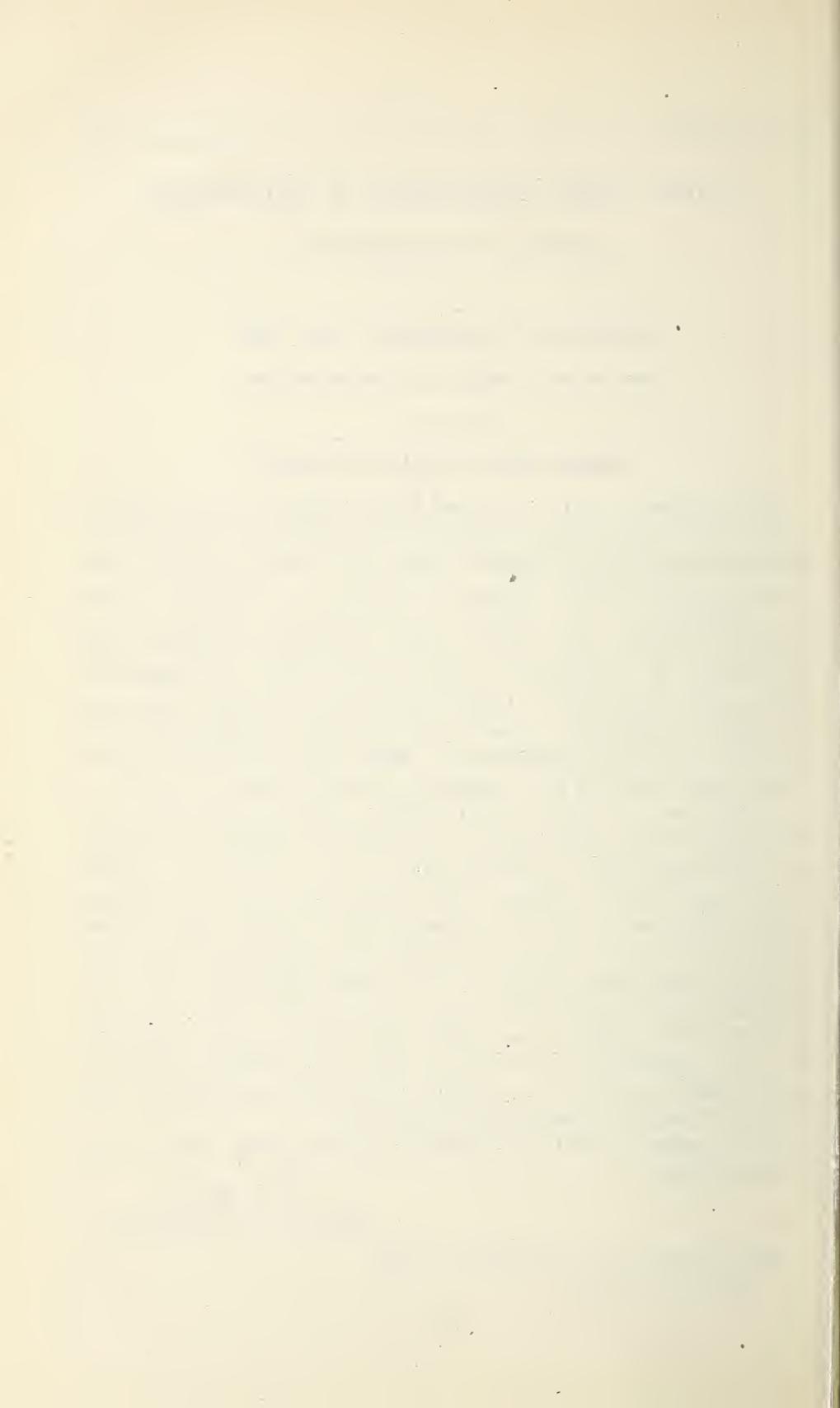
On December 11, 1911, the defendant pleaded guilty and was fined \$100 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., February 7, 1912.

29829°—No. 1397—12





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1398.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF PEACH JAM.

On January 24, 1911, the United States Attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Pioneer Preserving Co., a corporation, alleging shipment by it, in violation of the Food and Drugs Act, on or about March 12, 1910, from the State of Missouri into the State of Kansas, of a quantity of compound peach jam which was misbranded. The product was labeled: "Ozark Brand Compound Peach Jam Corn Syrup Apple Juice, Sugar and Phosphate. Made by Pioneer Preserving Co., Kansas City, Mo."

Analysis of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed it to contain benzoic acid and a large amount of glucose. Misbranding was alleged for the reason that the label represented the product to be compound peach jam when in fact it was not peach jam, but an imitation thereof, consisting in large part of glucose and benzoate of soda, and the said label is therefore false and misleading and calculated to deceive and mislead the purchaser.

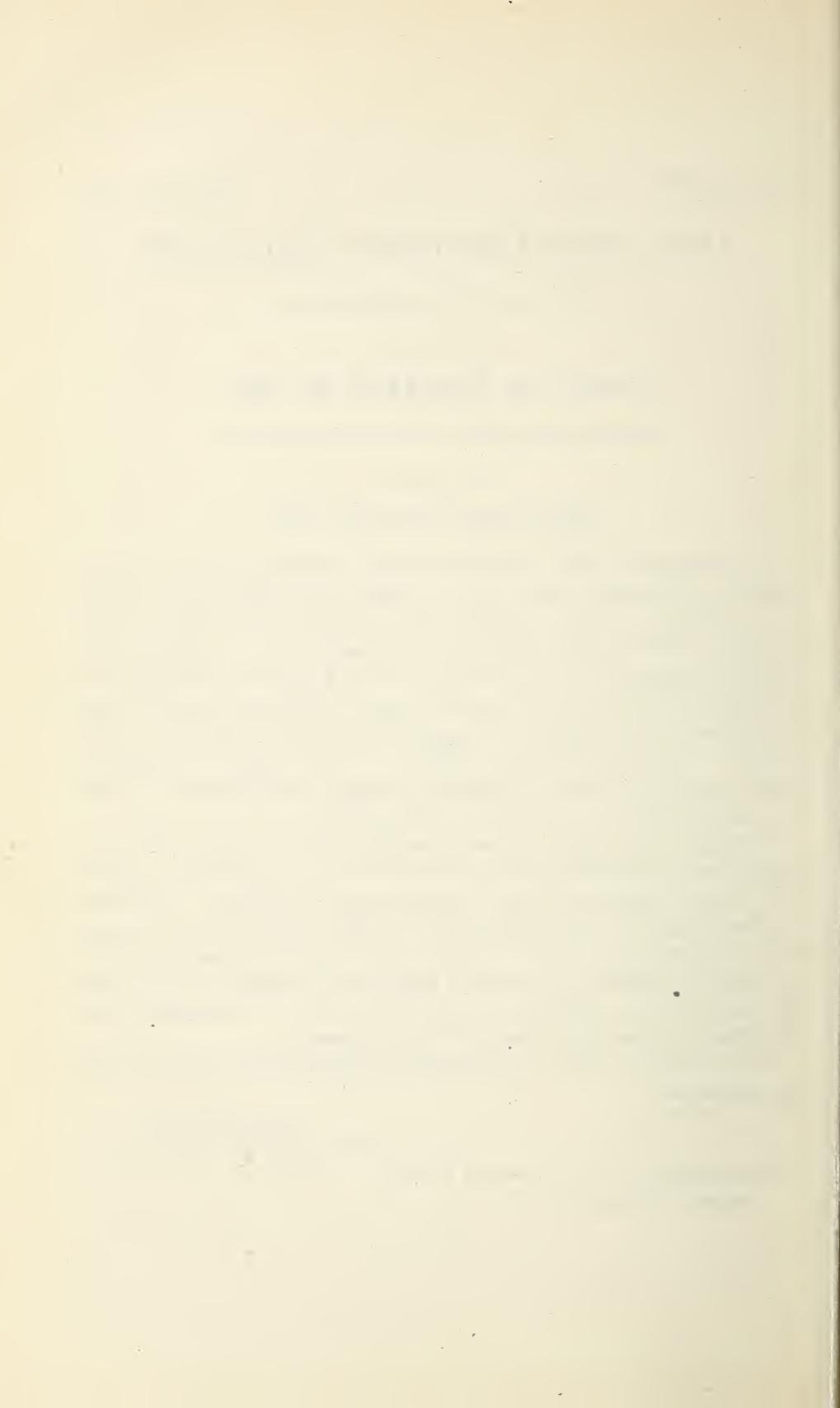
On December 4, 1911, the defendant pleaded guilty and was fined \$25 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., February 6, 1912.

29832°—No. 1398—12





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1399.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF MOLASSES TEMTORS.

On September 9, 1911, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against the St. Louis Syrup & Preserving Co., a corporation, alleging shipment by it, in violation of the Food and Drugs Act, on or about April 22, 1910, from the State of Missouri into the State of Wisconsin, of a quantity of "Open Kettle Molasses Temtors," which were misbranded. The product was labeled: "Absolutely Pure Clymer's Open Kettle Molasses Temtors. Registered 24594. St. Louis Syrup & Preserving Co. xxx Is an open kettle plantation product, made from the best xxx Conforms to all pure food laws. xxx" Rubber stamp: "2 lbs. Net."

Examination of samples of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results: Net weight can No. 1, $27\frac{3}{4}$ oz.; can No. 2, $27\frac{1}{8}$ oz.; can No. 3, $26\frac{5}{8}$ oz.; can No. 4, $27\frac{3}{4}$ oz.; average net weight, $27\frac{5}{16}$ oz.; average shortage, 14.65 per cent. Misbranding was alleged in the information in words and figures as follows: That the said label upon said package was false and misleading in this, that it described the contents of said can or package as weighing 2 pounds net, when in truth and in fact said product did not weigh 2 pounds net, but, on the contrary, weighed a materially less amount; and said can or package and said product contained therein were further misbranded in this, that said product was in package form and the said contents of said can or package were stated in terms of weight as follows, to wit: "2 lbs. net," which label and statement were untrue, false, and misleading; and the contents of said package were not plainly and correctly stated on the outside of said package or can, for the reason that said contents of said can did not weigh 2 pounds net, but on the contrary thereof, weighed a materially different and less amount than 2 pounds net.

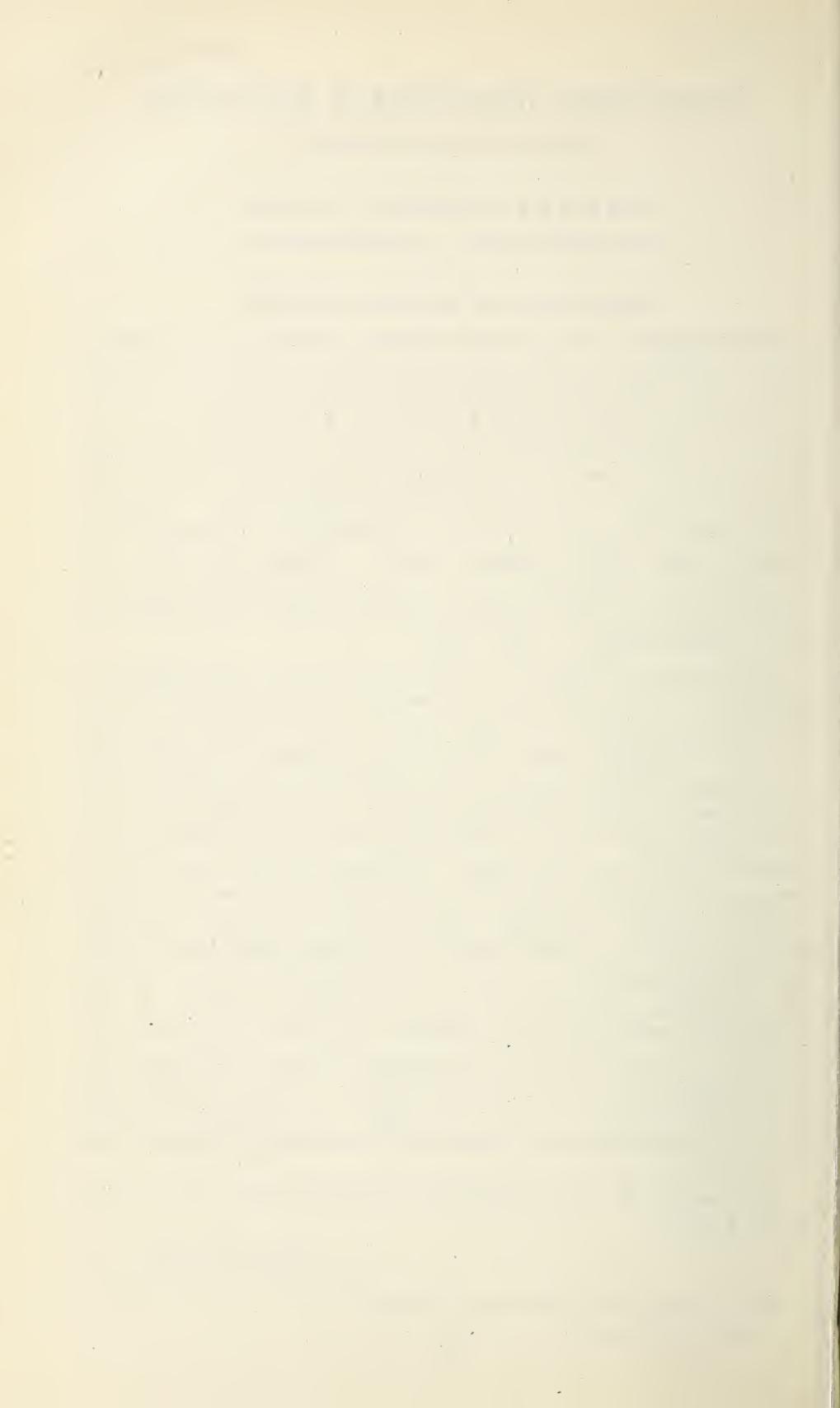
On December 9, 1911, the defendant pleaded guilty and was fined \$10 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., February 7, 1912.

29830°—No. 1399—12





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1400.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF APPLE BUTTER.

On July 21, 1911, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against the St. Louis Syrup & Preserving Co., a corporation, alleging shipment by it, in violation of the Food and Drugs Act, on or about February 16, 1910, from the State of Missouri into the State of West Virginia of a quantity of apple butter which was misbranded. The product was labeled: "Clymer Brand Apple Butter, Absolutely Pure, St. Louis Syrup & Pres. Co., St. Louis. 16 Ounces Net Weight. Clymer Brand Apple Butter, Absolutely Pure, U. S. Serial No. 6563."

An examination of samples of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results: Net weight, $14\frac{3}{4}$ oz.; $14\frac{7}{8}$ oz.; 15 oz.; $15\frac{1}{4}$ oz.; average, 14.97 oz.

Misbranding was alleged in the information in words and figures as follows: That the said package and the said contents therein were misbranded in this, to wit, that the contents of said package are stated in terms of weight on the label of said package as "16 oz. Net Weight," which statement was and is false and incorrect in this, that the said package did not contain 16 ounces net weight of said product, but on the contrary thereof contained a materially and substantially less quantity of said product, and the said contents of said package was not plainly and correctly stated on the outside of said package.

On December 9, 1911, the defendant pleaded guilty, and was fined \$10 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., February 6, 1912.

30221°—No. 1400—12

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Delavan Condensed Milk Co.....	1028	Peaches:	
Libby, McNeill & Libby.....	1117	Seeley, A. B., & Son.....	1262
White Hall Condensed Milk Co.....	1069	Peanuts:	
Milk, Evaporated:		Dixie Peanut Co.....	1372
Faultless Condensed Milk Co.....	1052	Edenton Peanut Co.....	1263
M. & O. Milk Co.....	1114	Peas:	
Milk, Powdered:		Boyle, John, Co.....	1280
Merrell-Soule Co.....	1303	Pecan creams:	
Tulin, William J.....	1033	Schaeffer, James E.....	1351
Wood & Selick.....	1364	Peerless feed:	
Mincemeat:		Smith, J. Allen, & Co. (Inc.).....	1141
Brenneman, W. H.....	1067	Peerless horse feed:	
Molasses temptors:		Kidder, F. L., & Co.....	1176
St. Louis Syrup & Preserving Co.....	1399	Pepper:	
Moyune brand extracts:		Cobb Mfg. Co.....	1257
Forbes, James H., Tea & Coffee Co.....	1057	Eddy & Eddy Mfg. Co.....	1118
Mushrooms:		Pepper, Cayenne:	
Arbuckle & Co.....	1037	Hanley & Kinsella Coffee & Spice Co....	1013
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Wilde, Joseph P.....	1239	Provident Chemical Works.....	1203
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Noodles, Egg:		Pistachio extract. (<i>See Extract, Pistachio.</i>)	
Maas Baking Co.....	1181	Powdered egg albumen:	
Northern Ohio sugar:		Jahn, W. K., Co.....	1389
Standard Syrup Co.....	1101	Powdered milk. (<i>See Milk, Powdered.</i>)	
Nutmegs:		Preserved peach, apple, and sugar:	
German, Lewis, & Co.....	1180	St. Louis Syrup & Preserving Co.....	1038
Oats:		Preserves, Currant:	
Gibbons, John T.....	1250	Flaccus, E. C., Co.....	1081
Grier, T. A., & Co.....	1165	Preserves, Peach apple:	
Logan, Thomas M.....	1171	Van Lill, S. J., Co.....	1391
Pendleton Grain Co. (Inc.).....	1250	Preserves, Quince apple:	
Rothschild, D., Grain Co.....	1208	Van Lill, S. J., Co.....	1391
Wells, Jos. L.....	1146	Preserves, Strawberry:	
Oil. (<i>See</i> Lemon oil; Olive oil.)		Knights, Alonzo A., & Son.....	1302
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Quince jam. (<i>See</i> Jam, Quince.)		1105
Raisins:		Temtors, Clymer's Table Seerop: St. Louis Syrup & Preserving Co.....
Griffith, R. C., & Co.....	1274	1367
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Raspberry jelly. (<i>See</i> Jelly, Raspberry.)		Tomato ketchup: Anderson Canning Co.....
Raspberry sirup. (<i>See</i> Sirup, Raspberry.)		1004
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Alliance Rice & Milling Co.....	1177	1269, 1381
Burkenroad-Goldsmit Co., Ltd.....	1340	Bicklen Winzer Grocer Co.....
Cormier, Chas. E., Rice Co.....	1177	1329
Griggs, Cooper & Co.....	1177	Blue Grass Canning Co.....
Louisiana Molasses Co.....	1030	1195
Seabury & Co.....	1388	Burlington Vinegar & Pickle Co.....
Vallee, P. E., & Co.....	1388	1003
Weston, Edward, Tea & Spice Co.....	1361	California Fruit Canners' Association.....
Rose geranium extract. (<i>See</i> Extract, Rose geranium.)		1235
Rosebud drips sirup:		Chance's, R. C., Sons.....
Gordon Syrup & Pickle Co.....	1240	1006
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Buhl Mills Co.....	1288	1054
Proctor, William M., Co.....	1288	Frazier Packing Co.....
Sardines:		1162, 1163, 1175, 1352
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Seerop Temtors, Clymer's Table:		1320
St. Louis Syrup & Preserving Co.....	1367	Harbauer-Marleau Co.....
Shad:		1034, 1316, 1329, 1334
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Claxton, Richard W.....	1021	Jersey Packing Co.....
Shelled eggs. (<i>See</i> Eggs, Shelled.)		1358
Sirup, Alaga Alabama-Georgia:		Kokoma Canning Co.....
Alabama-Georgia Syrup Co.....	1187	1224
Sirup, Cane and maple, Butterfly:		Leroux Cider & Vinegar Co.....
Gordon Syrup Co.....	1394	1095
Sirup, Clymer's Table Seerop Temtors:		Lewis Packing Co.....
St. Louis Syrup & Preserving Co.....	1367	1241
Sirup, Maple and cane, Butterfly:		McCord-Brady Co.....
Gordon Syrup Co.....	1394	1034
Sirup, Orange (blood):		McMechen Preserving Co.....
Stewart & Holmes Drug Co.....	1156	1080, 1276
Sirup, Raspberry:		National Pickle & Canning Co. (Dodson-Braun Branch).....
Stewart & Holmes Drug Co.....	1156	1072, 1098
Sirup, Rosebud drips:		New Blue Grass Canning Co.....
Gordon Syrup & Pickle Co.....	1240	1320
Sodic aluminic sulphate:		Philadelphia Pickling Co.....
Superior Chemical Co.....	1105	1075
Spaghetti:		Polk, J. T., Co.....
Spiropoulos & Costalipes.....	1324	1090
Spaghetti. (<i>See also</i> Macaroni; Noodles.)		Pressing & Orr Co.....
Strawberry extract. (<i>See</i> Extract, Strawberry.)		1213
Strawberry jam. (<i>See</i> Jam, Strawberry.)		Snyder, T. A., Preserve Co.....
Strawberry preserves. (<i>See</i> Preserves, Strawberry.)		1346, 1358
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Grain Products Co.....	1042	1055, 1326
Scudders-Gale Grocer Co.....	1042	Spraul, George, Packing Co.....
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		Tomato ketchup, Pioneer Brand:
		1086
Tomato paste:		
		Horner, Henry & Co.....
		1008
		Keity, Samuel L.....
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		Polinsky, H.....
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		Roncoroni, Pietro, Co.....
		1053, 1065, 1231
		Salem Canning Co.....
		1338
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		1064, 1396
		Guenther, J. Ed.....
		1320
		Hearn Co.....
		1267
		Lord-Mott Co.....
		1107
		New Blue Grass Canning Co.....
		1320
		Phillips Packing Co.....
		1261
		Summers, Charles G., & Co. (Inc.).....
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		Torsch Packing Co.....
		1270
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		Guenther, J. Ed.....
		1320
		New Blue Grass Canning Co.....
		1106, 1320
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		Gross, Ignatius, Co.....
		1242
Tomatoes:		
		Ayars, Clinton B., Canning Co.....
		1237
		Pearson, A. E., & Son.....
		1371
		Polk, J. T., Co.....
		1090

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Hudson Mfg. Co.....	1306	Lewis Packing Co.....	1241
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Vanilla tonka and compound:		Prussing Bros.....	1304
Creamery Dairy Co.....	1306	Queen City Cider Vinegar Mfg. Co.....	1110
Hudson Mfg. Co.....	1306	Robinson Cider Vinegar Co.....	1258
Vermont maple butter hotch:		Sharp Elliott Mfg. Co.....	1007, 1363
Maple Tree Sugar Co.....	1164	Southern Cider & Vinegar Co.....	1252
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Barrett & Barrett.....	1036	Vermont Fruit Co.....	1167
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Callahan, A. P., & Co.....	1023, 1297	Zinke Mercantile Co.....	1050
Chandler, B. T., & Son.....	1151	"Wafels, Crème":	
Chandler, Earl.....	1050, 1059, 1349	De Boer & Dik.....	1039
Erdmann's, H., Sons.....	1349	Wheat:	
Fleischman Vinegar Works.....	1184	Hall Baker Grain Co.....	1135, 1173
Gregory, D. J., Vinegar Co.....	1285	Walker Grain Co.....	1173
	1308	Wintergreen extract. (<i>See Extract, Wintergreen.</i>)	

BEVERAGES, INCLUDING WATERS AND MEDICATED DRINKS.

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Berry:		"Crème de Cacao":	
Benwood Brewing Co.....	1272	Lyons, E. G., & Raas Co.....	1247
"Bernardine":		"Crème de Cassis":	
Lyons, E. G., & Raas Co.....	1247	Lyons, E. G., & Raas Co.....	1247
Berry Hill mineral water:		Curacao, Orange:	
Berry Hill Mineral Spring Co.....	1251	Lyons, E. G., & Raas Co.....	1247
Blackberry cordial:		Essence, Coffee. (<i>See Coffee essence.</i>)	
Arrow Distilleries Co.....	1205	Extract, Malt. (<i>See Malt extract.</i>)	
Lyons, E. G., & Raas Co.....	1247	Gin, Mobile Buck:	
Brandy, Apricot:		Blumenthal & Bickert (Inc.).....	1089
Schlesinger & Bender.....	1248	Gin, Piccadilly dry:	
Brandy, Ginger:		Sutton, Carden & Co. (Ltd.).....	1347
Schlesinger & Bender.....	1248	Gin, Turkey:	
"Cacao, Crème de":		Straus, Gunst & Co.....	1255
Lyons, E. G., & Raas Co.....	1247	Ginger ale:	
"Cassis, Crème de":		Beaufont Lithia Water Co.....	1026
Lyons, E. G., & Raas Co.....	1247	Ginger brandy. (<i>See Brandy, Ginger.</i>)	
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Cherry soda-water flavor, Special wild:		Bass Islands Vineyards Co.....	1348
Blue Seal Supply Co.....	1040	Duroy & Haines Co.....	1283
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Clarendon Mineral Spring Co.....	1392	Plimpton, Cowan & Co.....	1045
Murray, Robert.....	1392	Malt extract:	
Coffee:		Hamm, Theodore, Brewing Co.....	1397
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Brokaw Merchandise Co.....	1014	Blumenthal & Bickert (Inc.).....	1089
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Force, W. H., & Co.....	1317	Sutton, Carden & Co. (Ltd.).....	1347
International Coffee Co.....	1190, 1191, 1233	Royal lithia water:	
Israel, Leon, & Bros.....	1084	Anderson, William H.....	1032
Kenny, C. D., Co.....	1279	Sirup, Tamarind:	
McLaughlin, W. F., & Co.....	1112	Bernogozzi, W. P.....	1082
Mitchell Bros.....	1317	Soda-water flavor, Cherry:	
Smith Bros. Co. (Ltd.).....	1295	Blue Seal Supply Co.....	1040
Wilde's, Samuel, Sons Co.....	1125	Soda-water sirup cola:	
Coffee essence:		Hutchinson, W. H., & Son.....	1031
Zverina, A.....	1189	Special wild-cherry soda-water flavor:	
		Blue Seal Supply Co.....	1040

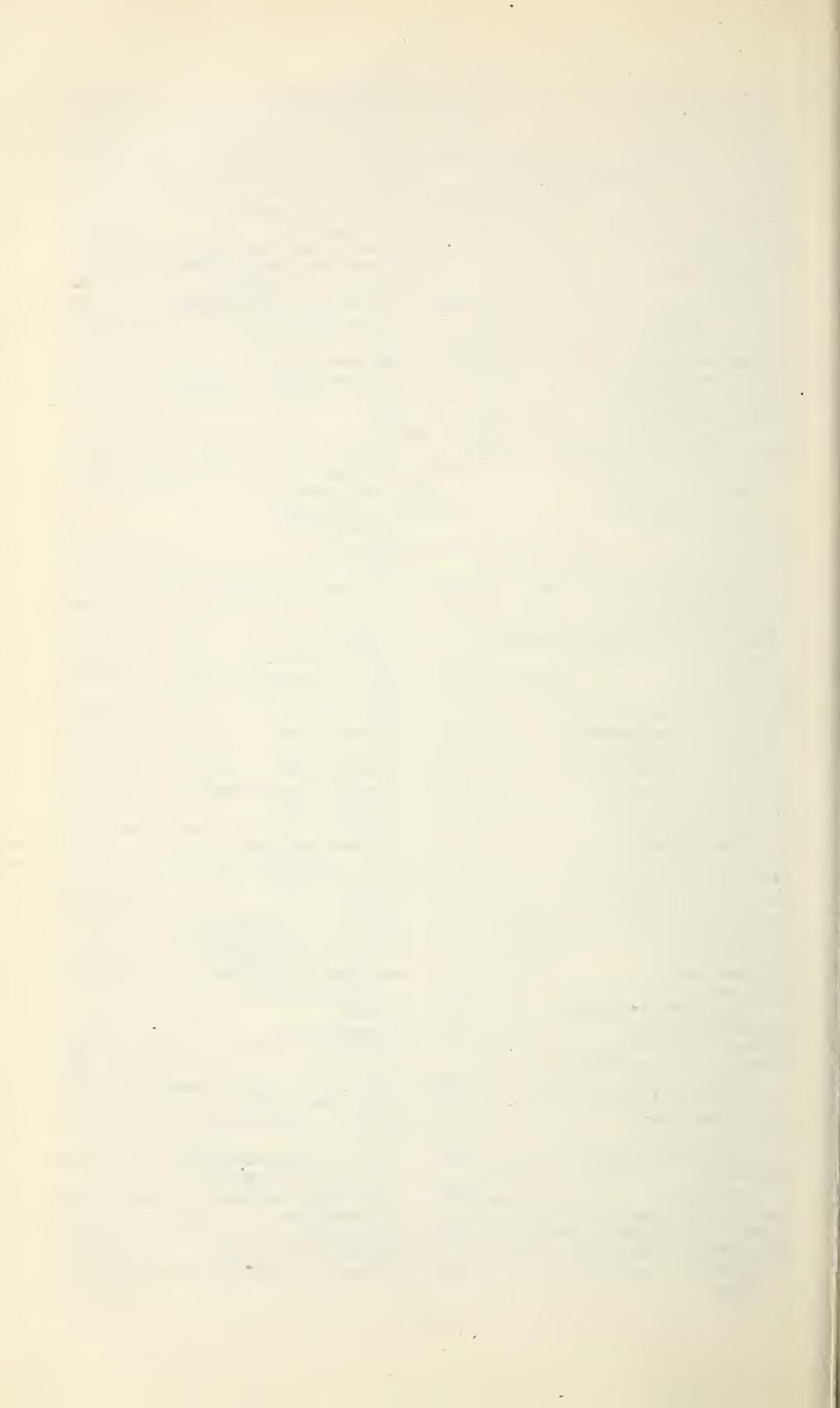
BEVERAGES, INCLUDING WATERS AND MEDICATED DRINKS—Continued.

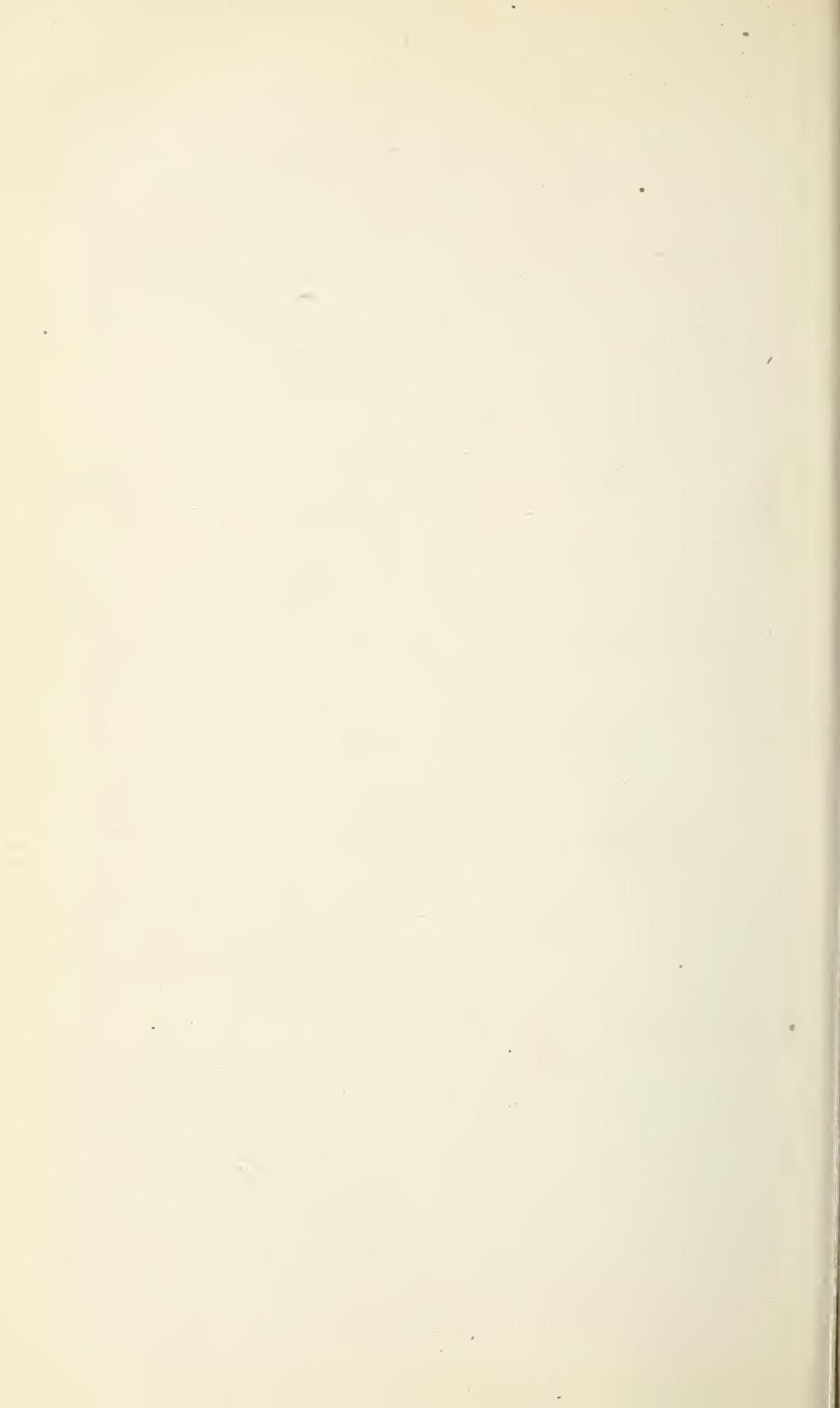
DRUGS.

Antikamnia tablets:	N. J. No.
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Asthma, Dr. Tucker's specific for:	
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Muller, William H.....	1179
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Kopp, Mrs. J. A.....	1068
Beauty cream, Kintho:	
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Maiolatesi, D., & Co.....	1284
Bitters (Fernet Milano):	
Italian Importing Co.....	1152
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Maiolatesi, D., & Co.....	1284
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Senoret Chemical Co.....	1232
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Peeble's, Dr., Institute of Health (Ltd.)..	1079
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Johnsón, O. A.....	1058 (suppl. to 266)
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Morse, Hazen.....	1221
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Coffee cocktail, Gold medal:	
Mihalovitch Co.....	1282
Colocynth, Powdered:	
Woodward, Allaire, & Co.....	1012
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Williams, J. D., & Bro. Co.....	1197
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Detchon, I. A.....	1091
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Hollowell, A. K.....	1093
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Maiolatesi, D., & Co.....	1284
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Italian Importing Co.....	1152
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Maiolatesi, D., & Co.....	1284
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Gessler's magic headache wafers:		Pain powder, Dixie fever and:
Gessler, Max.....	1051	Morris-Morton Drug Co.....
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Mihalovitch Co.....	1282	Peck-Johnson Co.....
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Sterling Remedy Co.....	1078	Peeble's, Dr., Institute of Health (Ltd.)..
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Wells, E. S.....	1228	Peeble's, Dr., Institute of Health (Ltd.)..
Hall's catarrh cure:		Pepsin, Laxative Boro:
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Cheney Medicine Co.....	1182	Peroxid cream, A. D. S.:
Headache powder, German:		American Druggists Syndicate.....
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Peck-Johnson Co.....	1157	Rosenbaum, Isaac, & Sons.....
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Gessler, Max.....	1051	Schuch, Philip, jr.....
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Kennedy, Dr. David, Co.....	1234	Schuch, Philip, jr
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Kells Co.....	1218	Fitch Remedy Co.....
Hydrogen peroxid:		Rheumatism, Dr. Detchon's relief for:
Langley & Michaels Co.....	1390	Detchon, I. A
Infants' sirup, Coderre's:		Rheumatism tablets, Dr. Detchon's relief for:
Mortimer, George, & Co.....	1277	Detchon, I. A
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Woodward, Allaire & Co.....	1011	Wood, William J.....
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Kennedy, Dr. David, Co.....	1234	Muller, William H.....
Kennedy's, Dr., Herculine tonic:		Sun cholera mixture:
Kennedy, Dr. David, Co.....	1234	Merchants' Drug Corporation.....
Kennedy's, Dr., worm sirup:		Sweet spirits of nitre:
Kennedy, Dr. David, Co.....	1234	Merchants' Drug Corporation.....
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Kintho Mfg. Co.....	1379	Van Vleet-Mansfield Drug Co.....
Kline's, Dr., great nerve restorer:		Teethina, Dr. Moffett's:
Kline, Dr. R. H., Co.....	1070	Flourney, T. N.....
Kopp's Baby's Friend:		Moffett, C. J., Medicine Co.....
Kopp, Mrs. J. A.....	1068	Towns', Dr., epilepsy treatment:
La Sanadora:		Towns', Dr., Medical Co.....
Romero, Benigo.....	1076	Tucker's, Dr., specific for asthma:
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Merchants' Drug Corporation.....	1063	Turpentine:
Laxative Boro Pepsin:		Bang, Charles.....
Senoret Chemical Co.....	1232	Barclay Naval Stores Co.....
Lindley's, Dr., epilepsy remedy:		Gilman, Z. D.....
Hollowell, A. K.....	1093	Pennsylvania Alcohol & Chemical Co....
New Vienna Medicine Co.....	1093	Vermifuge, Sweet's honey:
Moffett's, Dr., Teethina:		Van Vleet-Mansfield Drug Co.....
Flourney, T. N.....	1019	"Vino Vito":
Moffett, C. J., Medicine Co.....	1019	American Cordial & Distilling Co.....
Morse's cream:		Williams' Russian cough drops:
Morse, Hazen.....	1221	Williams, J. D., & Bro. Co.....
Nerv-Tonic, Dr. Peeble's:		Wood's soothing sirup:
Peeble's, Dr., Institute of Health (Ltd.)..	1079	Wood, William J.....
Nerve restorer, Dr. Kline's great:		Worm syrup, Dr. Kennedy's:
Kline, Dr. R. H., Co.....	1070	Kennedy, Dr. David, Co.....





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1401.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF EVAPORATED APPLES.

On December 2, 1911, the United States Attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against W. M. Simpson and A. R. Mintun, trading under the firm name of Simpson & Mintun Fruit & Produce Co., alleging shipment by them, in violation of the Food and Drugs Act, on or about September 24, 1910, from the State of Arkansas into the State of Texas of a quantity of evaporated apples which were adulterated and misbranded. The product was labeled: "New Crop 1910 Choice Ring Evaporated Apples, Bleached with Sulphur, Packed by Simpson, Mintun Fruit & Produce Co., Fayetteville, Ark. Goldman Grocer Co., Paris, Tex."

An examination of samples of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: (500 gram sample) Live worms, 31; live beetles, 3; dead fly, 1; an undue amount of skins, imperfect portions left in the apples that should have been trimmed out, and too much fine material to warrant grading as "Choice." Misbranding was alleged for the reason that the product was represented on the label to be choice ring evaporated apples, which statement was false and misleading and calculated to deceive and mislead the purchaser, for the reason that the product was not as represented, but was a low grade of evaporated apples composed of an undue amount of skins, imperfect portions left in the apples that should have been trimmed out, and too much fine material to warrant being graded as choice. Adulteration was alleged for the reason that the product consisted in part of a filthy, decomposed, and putrid animal or vegetable substance, to wit, live worms, live beetles, dead flies, cores and skins of apples.

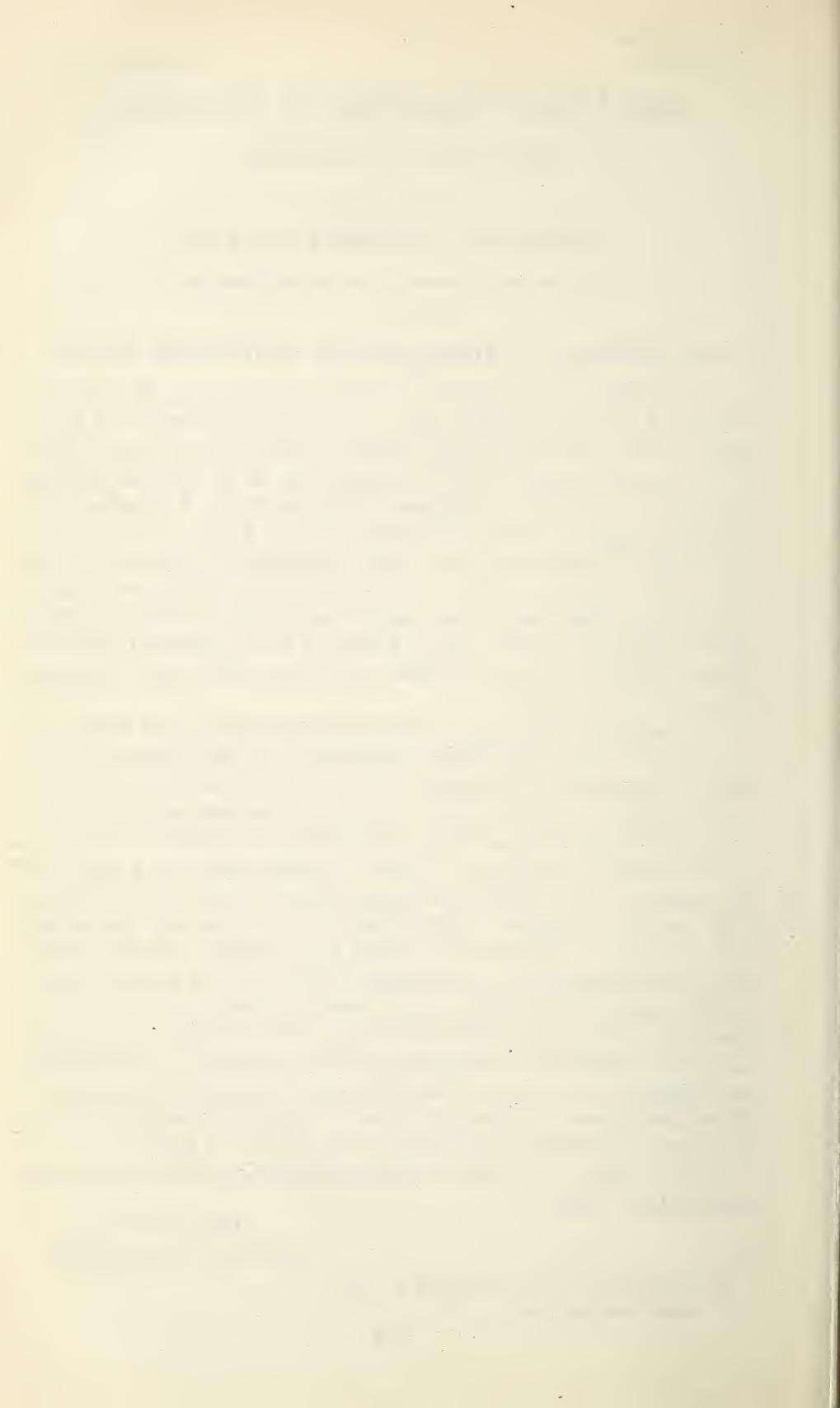
On December 7, 1911, the defendants pleaded guilty, and each was fined \$10 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., February 7, 1912.

29831*-No. 1401-12





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1402.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF PEPPERMINT EXTRACT.

On May 31, 1911, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for the said district against the Mihalovitch Co., a corporation, alleging shipment by it, in violation of the Food and Drugs Act, on or about October 20, 1910, from the State of Ohio into the State of Pennsylvania of a quantity of peppermint extract which was adulterated and misbranded. The product was labeled: "Grand Royal Crown. Superior Quality (Trade Mark) Concentrated Extract of Peppermint. Artificially colored as directed by F. I. D. 76."

Analysis of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results: Alcohol, 29.92 per cent; methyl alcohol, negative; oil of peppermint, none obtainable; color, Naphthol Yellow S and Indigo Disulpho Acid. Adulteration was alleged in that another substance, to wit, a dilute solution of alcohol, containing no oil of peppermint, the whole having added thereto an artificial coloring matter, had been substituted wholly for said article, represented by the label to be peppermint extract, and for the further reason that the dilute solution of alcohol containing no oil of peppermint, having added thereto artificial coloring matter, had been mixed and packed with said article so as to reduce, lower, and injuriously affect its quality and strength; and also because said article was artificially colored in a manner whereby its inferiority was concealed. Misbranding was alleged because said article was offered for sale and sold under the distinctive name of another article, to wit, peppermint extract, whereas said article of food was not peppermint extract, but was an imitation of genuine peppermint extract of the recognized standard of quality and strength. Misbranding was further alleged because said product was labeled so as to deceive and mislead the purchaser, in that it created the impression in the mind of the purchaser that said article of food was peppermint extract,

which conformed to the known and recognized standard of quality and strength, when in fact it was not such peppermint extract, and further because the label on the article bore a statement regarding it and the ingredients and substances contained therein, to wit, "Superior Quality Concentrated Extract of Peppermint," which was false and misleading and deceptive in that it represented the article to be genuine peppermint extract, when in fact the statement was untrue and false.

On September 16, 1911, the defendant interposed a general demurrer to the information which was overruled by the court on October 15, 1911. On October 11, 1911, the case was tried by a jury, resulting in a verdict of guilty, and on December 22, 1911, the court imposed a fine of \$100 and costs against the defendant.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., February 7, 1912.

1402



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1403.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF "FIGLETT'S."

On March 30, 1911, the United States Attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against William G. Snell and Charles S. Simpson, doing business under the firm name of Snell & Simpson, alleging shipment by them, in violation of the Food and Drugs Act of June 30, 1906, on or about June 28, 1910, from the State of Massachusetts into the State of Rhode Island, of a quantity of a food product labeled "Figletts," which was adulterated.

Chemical analysis and microscopical examination of samples of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results:

(Analysis)

Sucrose, Clerget (per cent)-----	22.92
Commercial glucose (factor 163) (per cent)-----	24.14
Polarization, direct, temperature 20° C-----	54.3
Polarization, invert, 87° C-----	27.4
Polarization, invert, 87° C-----	34.8
Proteids (N×6.25) (per cent)-----	2.15

(Microscopical examination)

Large amount of leguminous starch. Mold specks frequent.

100 grams (sugar free basis) contain 3,327 fig seeds.

100 grams Smyrna figs (purchased in market) contain 5,926 seeds.

145 grams of the fig filler showed 6 worms (whole), 5 worm heads, 5 insect eyes, and 8 worm parts (without heads), all visible to the naked eye.

Molds numerous, yeasts and bacteria few.

Adulteration was alleged for the reason that said product consisted in part of a filthy, decomposed, or putrid animal or vegetable substance.

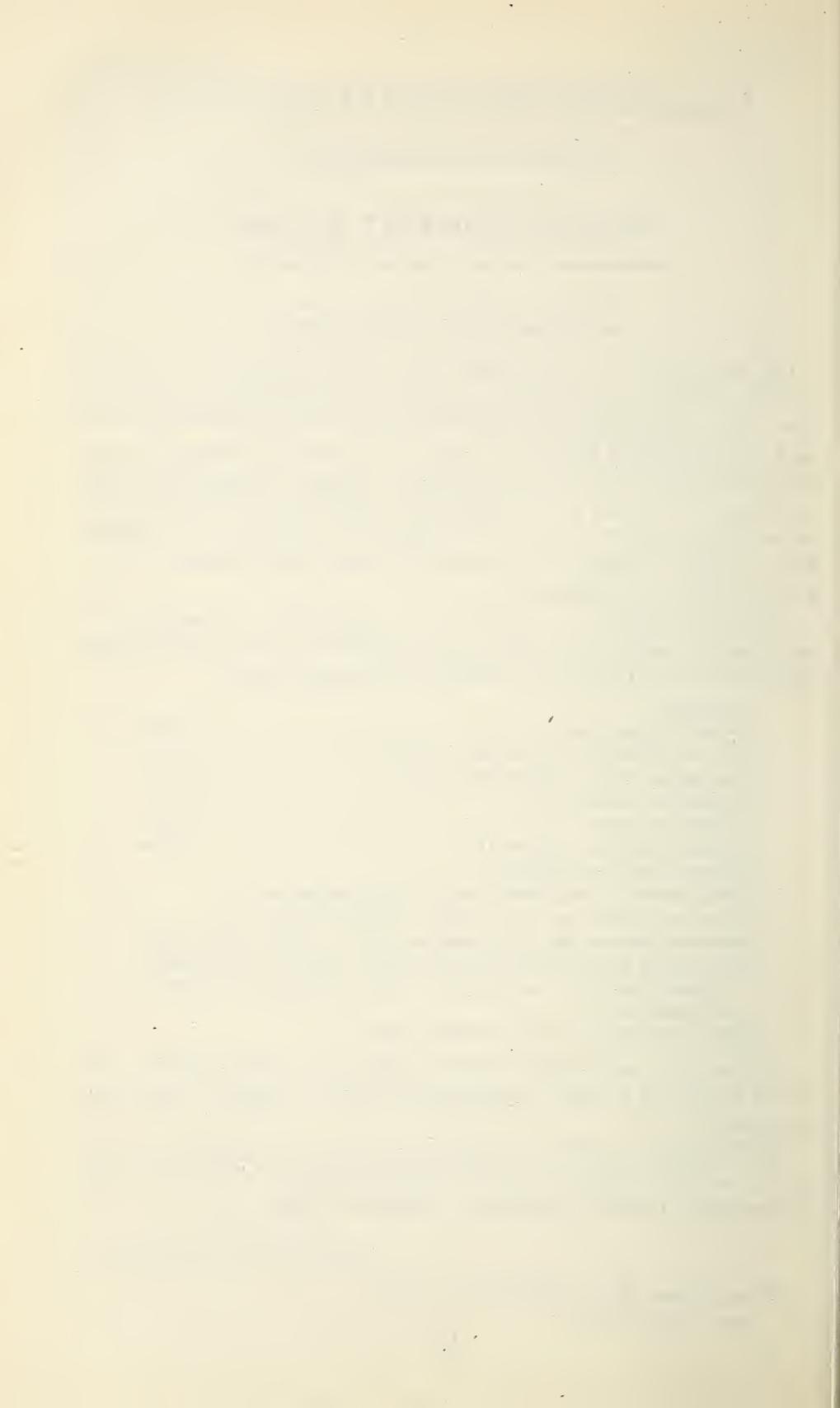
On December 4, 1911, the defendant Charles S. Simpson pleaded guilty and was fined \$50 and the information was thereupon nolle prossed as to the other defendant, William G. Snell.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., February 7, 1912.

29881°—No. 1403—12





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1404.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF SALAD OIL.

On or about June 29, 1911, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against Arturo Marchesini, which information, as subsequently amended, alleged shipment by him, in violation of the Food and Drugs Act, on or about June 24, 1910, from the State of Illinois into the State of Minnesota, of a quantity of salad oil which was adulterated and misbranded. The product was labeled: "Olio Fino Antonio Troia Bagheria Presso Palmero, (Device—Picture of children picking olives)."

Analysis of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results:

Specific gravity at 15.6° C.....	0.92282
Index of refraction at 25° C.....	1.4704
Iodin number.....	110.5
Halphen test.....	Positive.
Peanut oil test.....	Negative.
Sesame oil test.....	Negative.
Cottonseed oil by color comparison, approximately.....	per cent 100

Adulteration was alleged for the reason that a certain substance, to wit, cottonseed oil, had been substituted wholly for said olive oil. Misbranding was alleged for the reasons that the label and pictorial devices thereon were false and misleading in this, that they represented the said article to be olive oil when in fact it was cottonseed oil; and because said product was an imitation of another article of food, to wit, olive oil.

On December 18, 1911, the case came on for trial before a jury, which rendered a verdict of guilty, and on December 19, 1911, the court imposed a fine of \$200 and costs, which the court subsequently vacated, and on December 22, 1911, imposed in lieu thereof a fine of \$100 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., February 15, 1912.

31766°—No. 1404—12



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1405.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF TOMATO KETCHUP.

On January 24, 1911, the United States Attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Kansas City Conserve Co., alleging shipment by it, in violation of the Food and Drugs Act, on or about April 8, 1910, from the State of Missouri into the State of Oklahoma, of a quantity of tomato ketchup which was adulterated and misbranded. The product was labeled: "E. & S. High Grade Red Star Tomato Ketchup Kansas City Conserve Co., Kansas City, Mo., Guaranteed * * E. & S. Red Star Ketchup is made from whole ripe tomatoes and seasoned with pure spices. Contains one tenth of 1% Benzoate Soda. Guaranteed free from artificial coloring."

Examination of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed it to contain: "Yeasts and spores 126 per one-sixtieth cmm., bacteria numerous, estimated at 190,000,000 per cc., mold filaments in about four-fifths of the microscopic fields; and to be a low grade catsup made from skins and cores." Misbranding was alleged for the reason that the label represented the product to be a pure tomato ketchup, made from choice whole ripe tomatoes, which representation was false and misleading, for the reason that said article was an inferior product, made from skins and cores, and the said label was therefore calculated to deceive and mislead the purchaser. Adulteration was alleged for the reason that the product consisted in large part of a filthy, decomposed, and putrid animal or vegetable substance, as shown by the aforesaid examination.

On December 4, 1911, the defendant pleaded guilty and was fined \$100 and costs, and on December 6, 1911, the court, upon representation of the defendant that it had ceased doing business, reduced the fine to \$50 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., February 14, 1912.

31766°—No. 1405—12



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1406.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CRANBERRY JAM.

On January 24, 1911, the United States Attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Pioneer Preserving Co., a corporation, alleging shipment by it, in violation of the Food and Drugs Act, on or about March 12, 1910, from the State of Missouri into the State of Kansas, of a quantity of cranberry jam which was misbranded. The product was labeled: "Ozark Brand Compound Cranberry Jam, Corn Syrup Apple Juice, Sugar and Phosphate, Made by the Pioneer Preserving Co., Kansas City, Mo."

Analysis of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the product to contain benzoic acid, a large amount of glucose, and very few cranberries. Misbranding was alleged for the reason that the label conveys an impression that the product is a compound cranberry jam, when in fact the product consisted of glucose, benzoate of soda, and a small, immaterial, and insignificant amount of cranberries, to wit, 22 cranberries to the pound of the product. The label was therefore false and misleading and calculated to deceive and mislead the purchaser.

'On December 4, 1911, the defendant pleaded guilty and was fined \$25 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., February 13, 1912.

81766°—No. 1406—12



Issued May 18, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1407.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF TOMATO PULP.

On December 7, 1911, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against Anna L. Dana, trading under the name and style of the Dana Canned Goods Co., and John Dana, manager of said business, alleging the shipment by them, in violation of the Food and Drugs Act, on or about November 16, 1910, from the State of Ohio into the State of Kentucky, of a quantity of tomato pulp which was adulterated. The product was labeled "Whole 31."

Examination of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: Yeasts and spores 34 per one-sixtieth cmm., bacteria 270,000,000 per cc., mold filaments in 78 per cent of the fields, which indicates a decomposed condition. Adulteration was alleged for the reason that the product consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On December 7, 1911, John Dana appeared in court on behalf of the aforesaid concern, and entered a plea of guilty, and the court imposed a fine of \$25 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., February 13, 1912.

81766°—No. 1407—12



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1408.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF DRIED APPLE CHOPS.

On September 28, 1910, the United States Attorney for the Southern District of Iowa, acting upon a report of J. R. Chittick, a collaborating chemist and inspector of the United States Department of Agriculture, duly authorized and commissioned as such by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 40 bags of apple chops, in the possession of the Chicago & Northwestern Railway Co., at Des Moines, Iowa, the same having been billed from John H. Leslie & Co., Chicago, Ill., to A. A. Deiser & Co., Des Moines, Iowa.

Examination of a sample of said product, made by the said J. R. Chittick, collaborating chemist, as aforesaid, showed the product to be in a filthy condition, infested with worms and insects, rendering it unfit for human food. The libel alleged that the product, after transportation from the State of Illinois into the State of Iowa, remained in the original unbroken packages, and was adulterated in violation of the Food and Drugs Act of June 30, 1906, because it consisted of a filthy, decomposed vegetable substance, infested with worms and insects, rendering it unfit for human food, and was therefore liable to seizure for confiscation.

On November 19, 1910, the case coming on for hearing, the court found the product adulterated as alleged in the libel and entered a decree condemning and forfeiting it to the United States and ordering its destruction by the marshal.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., February 13, 1912.

31766°—No. 1408—12



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1409.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF ALFALFA MEAL.

On December 9, 1911, the United States Attorney for the District of Nebraska, acting upon a report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Wash. Co. Alfalfa Mixed Feed & Milling Co., a corporation, alleging shipment by it, in violation of the Food and Drugs Act, on or about January 20, 1911, from the State of Nebraska into the State of Iowa of a quantity of alfalfa meal which was misbranded. The product was labeled: "100 lbs., Alfalfa (Wash Meal Co., Trade Mark), Analysis: Protein 13%, Fat 2%, Fibre 25%. The Wash. Co., Alfalfa M. F. & Mill'g Co., Fort Calhoun, Neb." (on tag) "Iowa Feeding Stuffs Law, 100 pounds, W. B. Barry, Commissioner, No. E. 333522."

Analysis of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results: Moisture, 6.67 per cent; ether extract, 1.61 per cent; protein, 15.44 per cent; crude fibre, 32.11 per cent. Misbranding was alleged for the reason that the label bore statements regarding the ingredients and substances contained in the product which statements were false and misleading, in this, that the product did not contain 2 per cent fat, but contained 1.61 per cent fat, and did not contain 25 per cent fibre, but contained 32.11 per cent fibre.

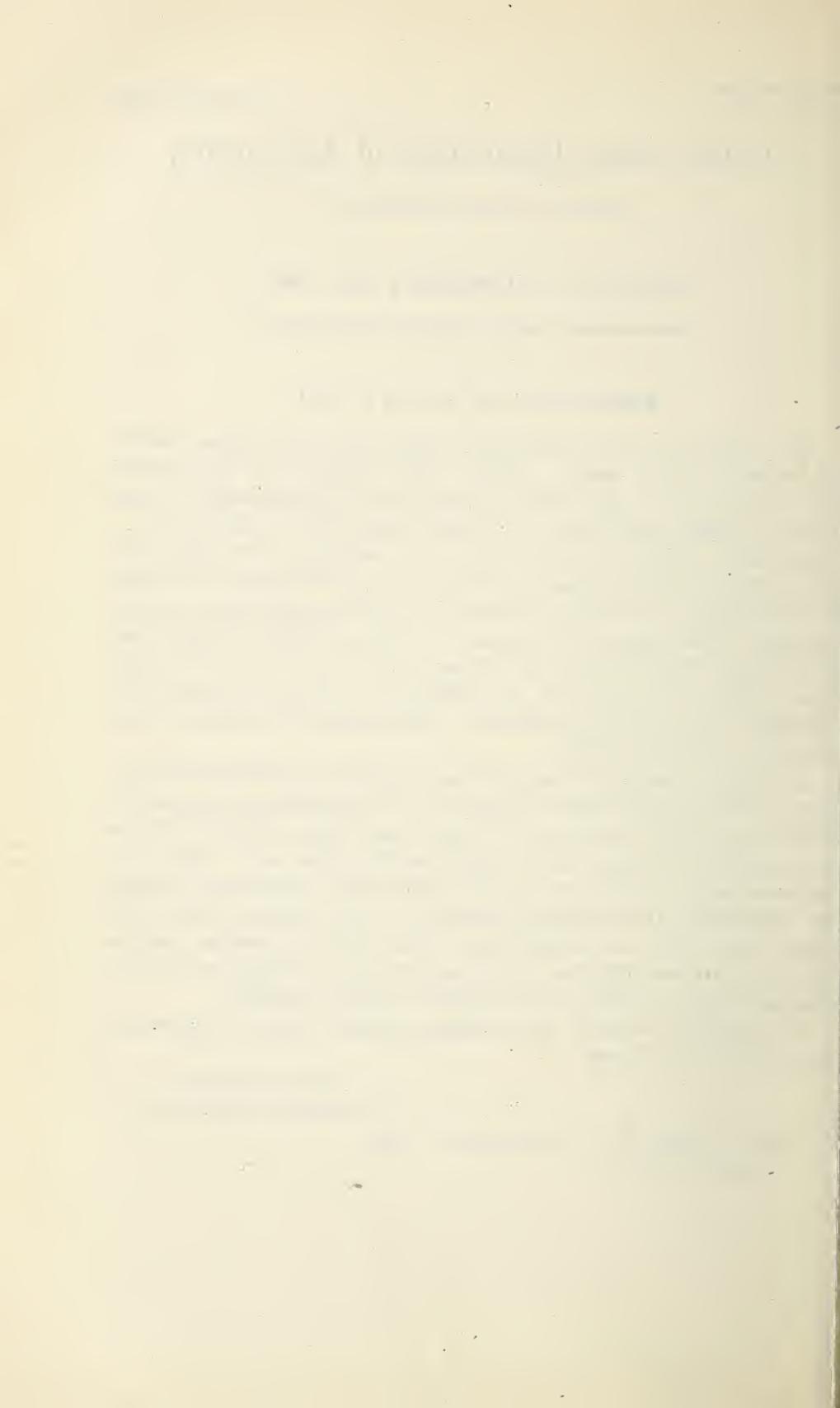
On December 30, 1911, the defendant entered a plea of guilty and was fined \$15 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., February 13, 1912.

31766°—No. 1409—12





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1410.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF CIDER VINEGAR.

On December 1, 1911, the United States Attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against H. H. Ogden, doing business under the firm name and style of Pacific Honey Co., alleging shipment by him, in violation of the Food and Drugs Act, on or about October 6, 1910, from the State of Oregon into the State of Washington, of a quantity of cider vinegar which was adulterated and misbranded. The product was labeled: "Pure Cider Vinegar. Put up by Pacific Honey Company, Oregon Cider Vinegar."

Analysis of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results:

Solids (grams per 100 cc)-----	1.62
Non-sugars (grams per 100 cc)-----	.83
Reducing sugar, direct (grams per 100 cc)-----	.79
Polarization, direct-----°V-----	1.0
Ash (grams per 100 cc)-----	.30
Alkalinity of soluble ash (cc N 10 acid per 100 cc)-----	34.2
Soluble P ₂ O ₅ (mg per 100 cc)-----	16.2
Insoluble P ₂ O ₅ (mg per 100 cc)-----	5.2
Acid as acetic (grams per 100 cc)-----	4.32
Fixed acid as malic (grams per 100 cc)-----	Trace.
Lead precipitate-----	Small.
Color, degrees, brewer's scale (0.5 in. cell)-----	4.0
Color removed by fuller's earth (per cent)-----	62.0
Pentosans (grams per 100 cc)-----	.08
Alcohol precipitate (grams per 100 cc)-----	.09
Glycerine (grams per 100 cc)-----	.056

Adulteration was alleged for the reason that the product consisted in whole or in part of a mixture of acetic acid or distilled vinegar, a foreign material high in reducing sugars, and added ash, which was so mixed and packed with the product as to reduce, impair, lower,

and injuriously affect its quality and strength, and which said substances had been substituted wholly or in part for cider vinegar. Misbranding was alleged for the reason that the product was labeled to represent same as being pure cider vinegar, which was false and misleading, and calculated to deceive and mislead the purchaser, for the reason that the product was not as represented, but was a product prepared in imitation of and offered for sale under the distinctive name of another article, to wit, pure cider vinegar.

On December 4, 1911, defendant entered a plea of nolo contendere and was fined \$25 and costs.

JAMES WILSON,

Secretary of Agriculture.

WASHINGTON, D. C., February 13, 1912.

1410



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1411.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF FISH (SILVER HAKE).

On November 30, 1911, the United States Attorney for the District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 100 kegs of fish in the possession of R. E. Allen & Bro. Co., Greenville, S. C. The product was labeled: "New Ocean White Fish 7345. Packed by Davis Bros., Gloucester, Mass. 10-10."

Examination of a sample of said product by the Bureau of Fisheries, as reported by the Bureau of Chemistry of the United States Department of Agriculture, showed that it was not ocean white fish, as there is no such fish, but that the product was whiting or silver hake, *Merluccius bilinearis*. The libel alleged that the product, after transportation from the State of Massachusetts into the State of South Carolina, remained in the original unbroken packages, and was misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Misbranding was alleged in the libel in words as follows: "The said article of food was branded and labeled under the distinctive name of New Ocean White Fish, intending and pretending to show that the ingredients or substances contained in said package or keg were ocean white fish, whereas, in truth and in fact, said article of food so branded and labeled was not ocean white fish, but was whiting or silver hake, and said statement that the contents of said package or keg were ocean white fish was false and misleading."

On December 23, 1911, the case coming on for hearing and it appearing to the court that R. E. Allen & Bro. Co., a corporation, had filed a petition as claimants and answered, and further, that the marshal had seized 54 kegs of the product, the court found the product misbranded, as alleged in the libel, and entered a decree condemning and forfeiting it to the United States, but with a proviso that the

same might be released to the claimants upon the payment of all costs by them and the execution of a bond in the sum of \$200 conditioned that the said product should be properly labeled and should not be sold or otherwise disposed of contrary to law.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *February 13, 1912.*

1411



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1412.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF MACARONI.

On September 20, 1911, the United States Attorney for the Southern District of Ohio, acting upon the report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 75 boxes of macaroni found in the possession of G. Battista Terzo, Cincinnati, Ohio. The product was labeled: "La Sicilia—(Cuts of several exposition medals of foreign design, Italian coat of arms, a woman in sitting posture surrounded by sheaves of grain, monogram of S. V. & B.) Trade Mark—Ditali." Part of this shipment was of "Ditali" style, part "Taglarini," part "Perciatelli," and part "Cavatoni Rigati."

The libel alleged that the product, after shipment by V. Viviani & Bro., St. Louis, Mo., from the State of Missouri into the State of Ohio, remained in the original unbroken packages, and was misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Misbranding was alleged for the reason that the label on said product represented it to be a product of foreign origin, to wit, of Italian origin and manufacture, when in fact it was not of foreign origin, but was manufactured and produced at St. Louis, Mo., United States of America, by V. Viviani & Bro., and the aforesaid representation was therefore false and misleading.

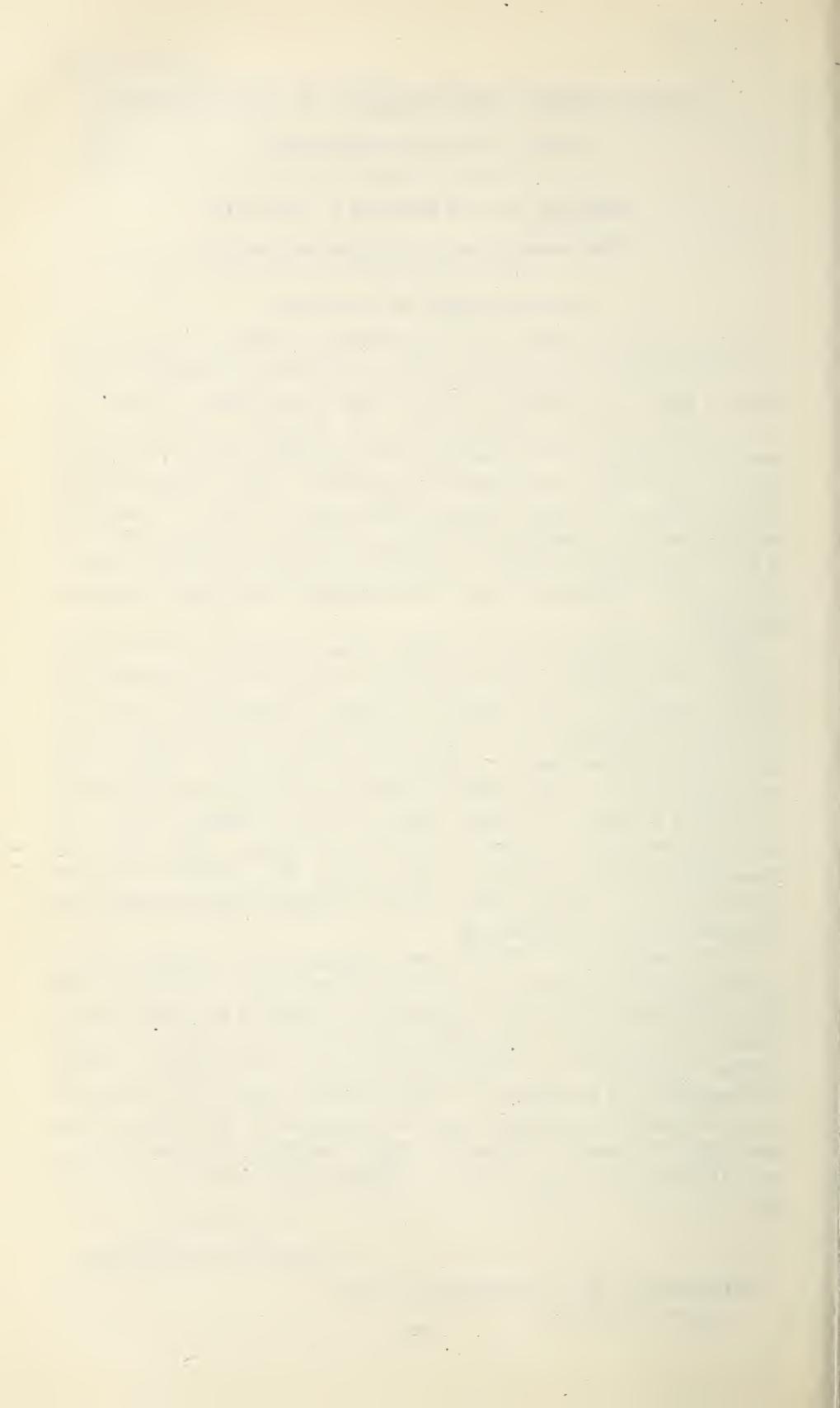
On November 14, 1911, the case coming on for hearing and it appearing that the marshal had seized 59 boxes of said macaroni and that V. Viviani & Bro. had appeared as claimants and filed answer consenting to a decree condemning said product, the court found the product misbranded, as alleged, and on that date entered a decree condemning and forfeiting it to the United States, but ordering it to be released to claimants upon the payment of all costs and the execution of a bond in the sum of \$100, conditioned that said property should not be again sold or otherwise disposed of contrary to law.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., February 15, 1912.

81766°—No. 1412—12





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1413.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF BROOKE'S LEMOS (LEMON JUICE).

On November 1, 1911, the United States Attorney for the District of Columbia, acting upon a report of the Secretary of Agriculture, filed in the Supreme Court of said District, holding a district court, a libel praying condemnation and forfeiture of 17 cases of Brooke's Lemos, an article purporting to be sweetened lemon juice, in the possession of B. B. Earnshaw & Bro., Washington, D. C. The product was labeled: (On cases) "Brooke's Lemos—Registered Trade Mark—Sweetened Lemon Juice." (On pint bottles): "Brooke's Lemos—A sweetened preparation of lemon juice with the full flavor of the peel. . . . Prepared only by C. M. Brooke & Sons, New York and Melbourne (on back in small type) Guarantee legend—Consists of the juice of lemon with an infusion of the peel, artificial coloring, sugar and 1/10 of 1% benzoate of soda. . . . Contains fifteen ounces or more."

Analysis of three samples of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results: Acidity as citric acid (grams in 100 cc), sample I. S. No. 14643-d, 2.78; sample I. S. No. 14644-d, 2.90; sample I. S. No. 14645-d, 2.86. The libel alleged that the product, after transportation from the State of New York into the District of Columbia, remained in the original unbroken packages and was adulterated and misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Adulteration was alleged in the libel against said product in words as follows: Because each and all of the said cases and bottles containing the said article of food were and are labeled as hereinbefore set forth, which said labels signify and import that the product contained in the said cases and bottles is sweetened lemon juice, and a pure juice of lemon sweetened, and your libelants charge that the article of food contained in the said cases and bottles, and each thereof, is not a pure sweetened lemon juice, nor a lemon juice, nor entitled to be

so called, but that the said food or product has been diluted and adulterated by the addition of water, whereby, and by reason thereof, the quality and strength of the said sweetened lemon juice or "Brooke's Lemos" has been reduced and lowered and injuriously affected. Because the said article of food contained in the said cases and bottles is not a pure sweetened lemon juice, but is a mixture in which a certain liquid, to wit, water, has been substituted, in part, for the said lemon juice. Misbranding was alleged because said product was labeled and branded so as to mislead and deceive the purchaser, in that the statements on the label signify and import that the product is sweetened lemon juice, when in fact it was a mixture containing in addition to the juice of lemons, a certain quantity of water; and further, because the product contained a substance known as benzoate of soda which was not declared or disclosed upon the label, but was placed upon the back of the bottles in an inconspicuous part of the said label.

On December 15, 1911, the case coming on for hearing and it appearing that C. M. Brooke & Sons had appeared as claimants of said product and filed answer, the court found the product adulterated and misbranded, as alleged in the libel, and entered a decree condemning and forfeiting the same to the United States; but authorizing the release of said product to the claimants upon the payment of all costs by them and the execution of a bond in the sum of \$150 conditioned that said property should not be disposed of contrary to law.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., February 16, 1912.



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1414.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CHEESE.

On December 22, 1909, the United States Attorney for the Southern District of West Virginia, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 50 boxes of cheese in the possession of Hagen, Ratcliffe & Co., Huntington, W. Va. A part of the shipment bore paper labels pasted on the boxes, reading: "Mayflower Fancy Full Cream Cheese," (Registered trade mark) "S. J. Stevens Company, Cincinnati, Ohio." Some of the boxes bore stenciled numbers as, "76," "637," and "639," and a few of the packages were stamped, "The S. J. Stevens Co., Sheboygan, Wis."

The Bureau of Chemistry of the United States Department of Agriculture reported that all of said cheeses were weighed and showed a total shortage of $94\frac{3}{4}$ pounds, making an average shortage of $1.87\frac{1}{2}$ pounds. The libel alleged that the product, after transportation from the State of Ohio into the State of West Virginia, remained in the original, unbroken packages and was misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Misbranding was alleged for the reason that the boxes did not contain as many pounds of cheese as they purported to contain, as evidenced by the weight marks on the outside of the boxes, but contained fewer pounds of cheese than marked on the outside of the boxes, and the labeling of the boxes as containing the number of pounds thereon marked was misleading and false and calculated to deceive and mislead the purchaser.

On January 24, 1910, the case coming on for hearing and it appearing that Hagen, Ratcliffe & Co. and the S. J. Stevens Co. had filed their answer to the libel, and it further appearing to the court that the marshal had seized 29 boxes of the cheese, and that there was no intent upon the part of respondents to violate any Federal

statute as to the misbranding or misweight of the product in question, and the court further finding that the product was not adulterated, poisonous, or deleterious, but that the violation of law consisted in misbranding the said product as to the quantity contained in each box and that the product had not been sold for public consumption, entered a decree that upon the payment of all costs the product might be released to the S. J. Stevens Co., said company being required to execute a bond in the sum of \$100 conditioned that the said Hagen, Ratcliffe & Co. will obliterate the old brand and rebrand said cheeses, stating on the boxes the actual weight of the cheese at the time of the decree and guaranteeing that said cheeses will be sold at the actual weight thereof.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., February 15, 1912.

1414



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1415.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF " NEW AMSTERDAM DUTCH RUSK."

On October 19, 1911, the United States Attorney for the Southern District of New York, acting upon a report from the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 68 cases of "New Amsterdam Dutch Rusk", in the possession of the American Pastry & Manufacturing Co., in the city of New York. The product was labeled: "New Amsterdam Dutch Rusk. A Delicious Milk and Egg Toast, Knickerbocker Biscuit Co., New York."

No analysis of said product was made by the Bureau of Chemistry of this Department. The libel alleged that the product, after transportation from the State of Michigan into the State of New York, remained in the original unbroken packages and was misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Misbranding was alleged for the reason that the product was branded "Knickerbocker Biscuit Co., New York," which was a statement, design, or device regarding such article which was false and misleading as to the State in which the said product was manufactured and produced, because in fact said product was manufactured and produced by the Michigan Tea Rusk Co., in the State of Michigan.

On December 16, 1911, the case coming on for hearing, and it appearing to the court that the American Pastry & Manufacturing Co. had filed their petition as claimants, and agreed by stipulation that a decree of condemnation and forfeiture might be entered, the court found the product misbranded as alleged in the libel and entered a decree condemning and forfeiting it to the United States, but with a proviso that the same might be released to the claimants upon the payment by them of all costs and the execution of a bond in the sum of \$300 conditioned that said property should not be sold or otherwise disposed of contrary to law, and should be relabeled in conformity with the provisions of the Food and Drugs Act.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., February 16, 1912.

31766°—No. 1415—12



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1416.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF EVAPORATED APPLES.

On November 20, 1911, the United States Attorney for the District of Columbia, acting upon a report of the Secretary of Agriculture, filed in the Supreme Court of said District, holding a district court, a libel praying condemnation and forfeiture of four cases of evaporated apples in the possession of Elphonzo Youngs Co. (Inc.), Washington, D. C. Two of the cases were labeled: "Blue Ridge Brand Choice Evaporated Apples 48 Cartons." Each of the unit packages in these cases was labeled: "Blue Ridge Brand Choice Evaporated Apples." The other two cases were labeled: "Dixie Brand Choice Winesap Evaporated Apples, 1 lb. cartons 48 lbs. net." Each carton in these cases was labeled: "Dixie Brand Choice Evaporated Apples."

An examination of two samples of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed them to contain many small pieces not well trimmed, and further that the product was covered with sugar mites. The libel alleged that the product, after transportation from the State of Virginia into the District of Columbia, remained in the original unbroken packages, and was adulterated in violation of the Food and Drugs Act of June 30, 1906, because they were in a filthy, decomposed condition and infested with worms and other animal matter, for which reasons the same are absolutely unfit for human food, and therefore liable to seizure for confiscation.

On December 15, 1911, the case coming on for hearing, and it appearing to the court that Elphonzo Youngs Co. (Inc.) and David Wallerstein & Co. had entered their appearance as the owners and guarantors of the aforesaid product and had filed their plea and answer consenting to a decree of condemnation and paid all the costs of the proceedings, the court entered a decree finding the product adulterated as alleged and condemning and forfeiting the said product to the United States and ordering its destruction by the marshal.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., February 16, 1912.

31766°—No. 1416—12



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1417.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF WINE.

On December 17, 1909, the grand jurors of the United States within and for the Northern District of California, at the instance of the United States Attorney acting upon a report from the Secretary of Agriculture, returned an indictment to the District Court of the United States for said district against Napa & Sonoma Wine Co., a corporation, alleging shipment by it, in violation of the Food and Drugs Act, on or about December 10, 1908, from the State of California into the State of Colorado, of a quantity of wine which was misbranded. The product was labeled "Napa & Sonoma Wine Co., San Francisco, Cal. Chateau Yquem."

Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture shows the following results: Sulphurous acid, free, 41.6 mg per liter; sulphurous acid, total, 180.7 mg per liter. The Bureau further reported that by organoleptic examination sample is found to be a wine of weak character, with little or no bouquet, fair body, and good color. It could not be designated as a type of Chateau Yquem as it has none of the distinctive qualities of Chateau Yquem. Misbranding was alleged for the reason that the label on the product was false and misleading and calculated to deceive and mislead the purchaser in that it represented the product to be "Chateau Yquem," which is a well known French product, thereby purporting the article to be a foreign product when not so, the same having been manufactured and produced in the United States, and for the further reason that the said product was an imitation of and offered for sale under the distinctive name of another article, to wit, Chateau Yquem.

On January 20, 1912, the defendant pleaded guilty to the indictment and was fined \$25.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., February 24, 1912.

32545°-12

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1418.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF VINEGAR.

On November 27, 1911, the United States Attorney for the Eastern District of Michigan, acting upon a report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Caro Vinegar Co., a corporation, alleging shipment by it, in violation of the Food and Drugs Act, on or about April 29, 1911, from the State of Michigan into the State of Minnesota, of a consignment of vinegar which was adulterated and misbranded. The product was labeled: (On barrel) "Red Top Brand Absolutely Pure Fermented Sugar Vinegar. Manufactured by Caro Vinegar Co., Caro, Mich. 4 per cent Acetic Acid. 48. Guaranteed by Caro Vinegar Co., under the Food and Drugs Act, June 30, 1906."

Analysis of a sample of the product made by the Bureau of Chemistry of the United States Department of Agriculture showed that a dilute solution of acetic acid (or distilled vinegar) prepared and colored in imitation of sugar vinegar had been substituted wholly or in large part for said product. Adulteration was alleged for the reason that the product consisted wholly or in part of a dilute solution of acetic acid and that it had been artificially colored whereby its damage and inferiority was concealed. Misbranding was alleged for the reason that the product was represented on the label to be pure fermented sugar vinegar, which representation was false and misleading and calculated to deceive and mislead the purchaser, for the reason that said product was not a pure fermented sugar vinegar but a mixture of sugar vinegar and a dilute solution of acetic acid artificially colored.

On December 6, 1911, the defendant entered a plea of nolo contendere, and sentence was suspended by the court.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., February 16, 1912.

31764°—No. 1418—12





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1419.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF PREPARED MUSTARD.

On November 20, 1911, the United States Attorney for the District of Minnesota, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 26 cases of mustard in the possession of Seabury & Co., St. Paul, Minn. The product was labeled on the unit packages: "Prepared Mustard—U. S. Serial No. 2906—not injurious to health—W. S. Co.—This mustard contains mustard seed, vinegar, salt, spices, flavored and colored with turmeric—Westmoreland Specialty Co., Grapeville, Pa. (Small paster on side of tumbler) 11½ oz."

Examinations of two samples of said product, numbered I. S. 10141-d and I. S. 10142-d, respectively, by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results: I. S. 10141-d, labeled as 11½ oz.—the contents of five packages weighed, 10.77, 10.93, 10.92, 10.46, and 10.42 ounces, respectively, with an average of 10.7 ounces, an average shortage of 6.9 per cent. I. S. No. 10142-d, labeled as 12 oz.—the contents of five packages 10.07, 9.40, 9.97, 9.96, and 10.77 ounces, respectively, an average weight of 10.04 ounces, or an average shortage of 16.3 per cent. The libel alleged that the product, after shipment by the Westmoreland Specialty Co. from Grapeville, in the State of Pennsylvania, into the State of Minnesota, remaining in the original, unbroken packages and was misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Misbranding was alleged in the libel in words and figures as follows: "That said 26 cases of mustard and each and every unit package or glass contained in said 26 cases are misbranded in violation of section 8, paragraph 3, in the case of foods, of the said Act of June 30, 1906, in this: that as appears from the said paster attached to each and all of the first above described dozen unit

packages contained in each of said 26 cases of mustard, each unit package or glass purports to contain eleven and one-half ounces, whereas in truth and in fact each unit package or glass contains a much less quantity, to wit, 9.15 per cent less than eleven and one half ounces; and as appears from the said paster attached to each and all of the last above described dozen unit packages contained in each of said 26 cases of mustard, each unit package or glass purports to contain twelve ounces, whereas in truth and in fact each unit package or glass contains a much less quantity, to wit, 15.4 per cent less than twelve ounces; and are misbranded in that the contents of said unit packages or glasses are not plainly and correctly stated on the outside of said unit package or glass."

On November 28, 1911, the case coming on to be heard and it appearing to the court that Seabury & Co. had filed their appearance, claim, and stipulation and written consent that a decree might be entered forfeiting the product to the use of the United States, the court found the product misbranded as alleged in the libel, and entered a decree condemning and forfeiting it to the United States, but with the proviso that it might be released to the claimants upon the payment by them of all costs and the giving of a bond in the sum of \$500 conditioned that the product should not be again sold contrary to law.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., February 16, 1912.

1419



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT No. 1420.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF "CREAM OF HOPS" AND "HOP TONIC."

On October 2, 1911, the United States Attorney for the Southern District of Iowa, acting upon a report from the Secretary of Agriculture, filed in the District Court of the United States for said district two libels praying condemnation and forfeiture of 160 bottles of "Cream of Hops", an article purporting to be a temperance beverage, and 425 bottles of "Hop Tonic", an article purporting to be a temperance beverage, the former in the possession of Shelby C. Weaver, Coin, Iowa, and the latter in the possession of Wilkinson Bros., Blanchard, Iowa. The "Cream of Hops" was labeled "A Non-Intoxicating Beer—Refreshing—Invigorating Cream of Hops (Picture of grapevine and grapes) The Great Health Drink—Sold only and guaranteed by Temperance Beverage Company, Distributors, Chicago—Under the Food and Drugs Act, of June 30, 1906—Serial No. 16427". The "Hop Tonic" was labeled: "A Non-Intoxicating Temperance Beer—Hop Tonic—A Delightful Beverage—Sold only and Guaranteed by Temperance Beverage Co., Distributors—Chicago—Under the Food and Drugs Act, June 30, 1906—Serial No. 16427".

Misbranding was alleged against the product labeled "Cream of Hops", for the reason that the label thereon bore a statement, to wit, "A Non-Intoxicating Beer", which was false and misleading, because said product contained 2.38 per cent of alcohol by volume, and was therefore not a nonintoxicating beer. Misbranding was alleged against the product labeled "Hop Tonic" for the reason that the label thereon bore a statement, to wit, "A Non-Intoxicating Temperance Beer", which was false and misleading because said product contained 1.93 per cent of alcohol by volume, and was therefore not a nonintoxicating temperance beer.

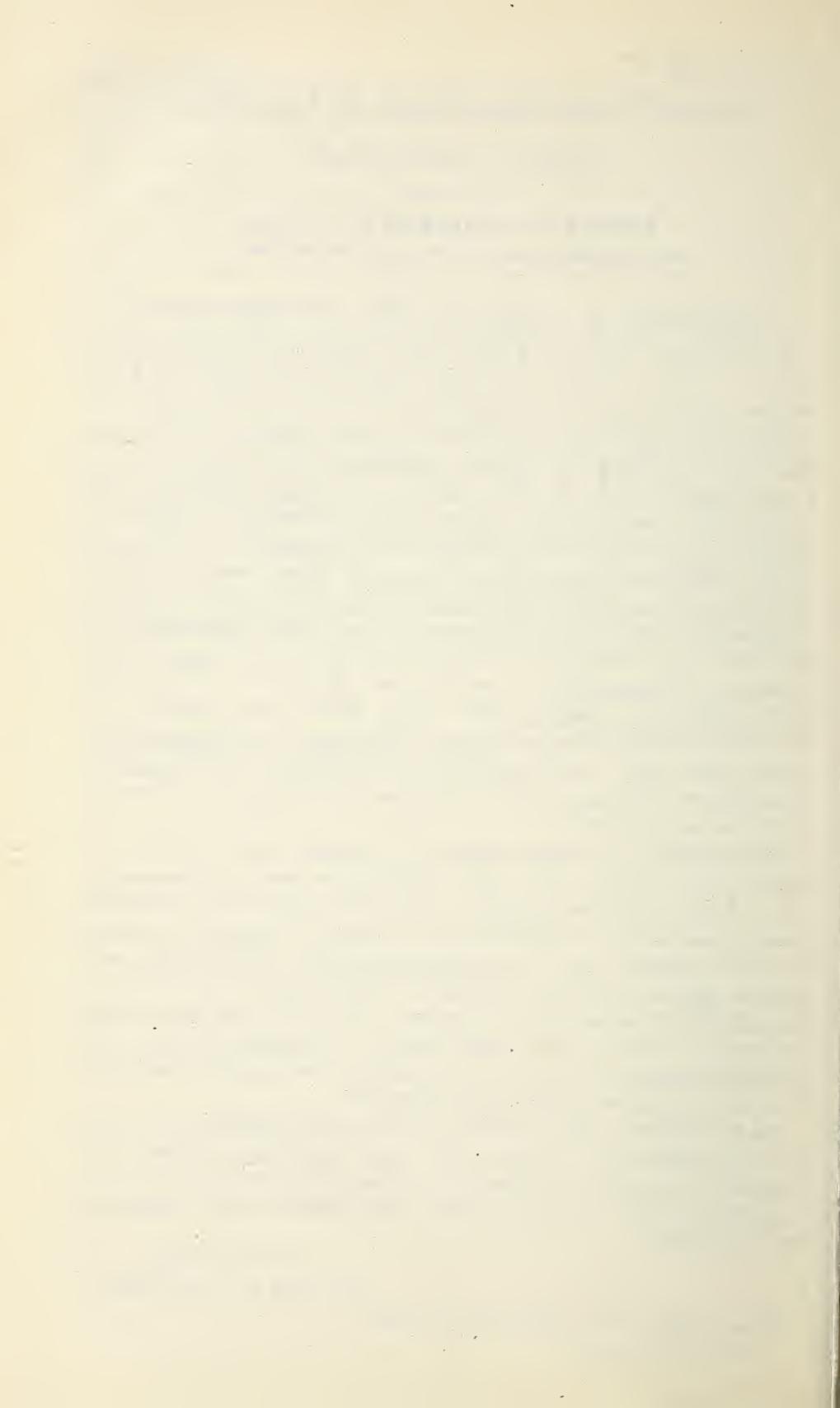
On November 8, 1911, the cases coming on for hearing and no one having appeared as claimant, the court found the products misbranded as alleged in the libels and entered decrees condemning and forfeiting them to the United States and ordering their destruction by the marshal.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., February 24, 1912.

32541°—No. 1420—12





F. & D. No. 2998.
S. No. 1091.

Issued May 18, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1421.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CHEESE.

On October 6, 1911, the United States Attorney for the Western District of Kentucky, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 27 boxes of cheese in the possession of Covington Bros. & Co., Paducah, Ky. The product was labeled "Ferbend & Co., Chicago, Dixie Full Cream Cheese."

The Bureau of Chemistry of the United States Department of Agriculture reported that in addition to the foregoing label each package bore figures of the net weight, so accepted according to custom of trade, and the shipment was invoiced and charged for accordingly. The marked weights totaled 612 pounds. The actual net weight of the consignment, numbering 28 boxes, as determined by weighing each cheese separately upon accurately balanced scales, was 583.75 pounds, making a difference of 28.25 pounds, or a shortage of 4.6 per cent. Only one cheese in the entire consignment showed full weight. The libel alleged that the product, after shipment by Ferbend & Co., Chicago, Ill., from the State of Illinois into the State of Kentucky, remained in the original unbroken packages and was misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Misbranding was alleged for the reason that the aforesaid product was in package form and the contents of said package in the case of each cheese was stated in terms of weight or measure but was not correctly stated on the outside of the package, as shown by the aforesaid report of the Bureau of Chemistry.

On December 23, 1911, the case coming on for hearing and it appearing to the court that Ferbend & Co., of Chicago, Ill., had filed a claim, without answer, as owner of said product, and the case having been submitted to the court by agreement, the court entered a decree finding the product misbranded as alleged in the libel, and condemning and forfeiting it to the United States, but authorizing its release to Ferbend & Co. upon the payment by said company of all costs and the execution of a bond in the sum of \$100, conditioned that said product should not be again sold contrary to the provisions of law.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *February 24, 1912.*

1421



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1422.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF "GINGER EXTRACT" AND "PEPPERMINT ESSENCE."

On January 25, 1912, the United States Attorney for the Southern District of Ohio, acting upon a report from the Secretary of Agriculture, filed information in the District Court of the United States for said district against Minna W. Rheinstrom as executrix of the estate of Abraham Rheinstrom, deceased, trading under the name of Rheinstrom Bros., alleging shipment by her, in violation of the Food and Drugs Act, on or about March 16, 1910, from the State of Ohio into the State of Texas, of a quantity of ginger extract and peppermint essence, which were adulterated and misbranded. The ginger extract was labeled: (On case) "2 doz. Pints." (On bottles) "Eagle Liqueur Distilleries. Rheinstrom Bros., Cincinnati, U. S. A. Ginger Extract. Single. Guaranteed not to be adulterated or misbranded within the meaning of the National Pure Food Law." (On small paster) "Blended, containing nothing poisonous or deleterious to health. Rheinstrom Bros., Cincinnati, O." The peppermint essence was labeled: (On case) "2 doz. Pints." (On bottles) Eagle Liqueur Distilleries. Rheinstrom Bros., Cincinnati, U. S. A. Distilled, Peppermint Essence. Yellow. Artificially Colored. Guaranteed not to be adulterated or misbranded within the meaning of the National Pure Food Law." (On small paster) "Distilled, containing nothing poisonous or deleterious to health. Rheinstrom Bros., Cincinnati, O."

An analysis of a sample of the ginger extract and of the peppermint essence, numbered I. S. 18763-b and 18764-b, respectively, was made by the Bureau of Chemistry of the United States Department of Agriculture and showed the following results:

(I. S. No. 18763-b, ginger extract.)

Alcohol (per cent)	-----	31.60
Solids (grams per 100 cc)	-----	.28
Ginger test	-----	Positive.
Capsicum	-----	Negative.

(I. S. No. 18764-b, peppermint essence.)

Alcohol (per cent)-----	29.92
Peppermint oil-----	Trace.
Color -----	Naphthol Yellow S.

Adulteration of the ginger extract was charged for the reason that another substance, to wit, a dilute solution of alcohol and the alcohol soluble matters from ginger, was substituted wholly for said article, and further, because said dilute solution was mixed and packed as, for, and with said article so as to reduce and lower and injuriously affect the quality and strength thereof. Misbranding of said product was alleged for the reason that the article was labeled so as to deceive and mislead the purchaser thereof, in that the said label was calculated and intended to and did create the impression and belief in the mind of the purchaser thereof that the article was ginger extract which conformed to the known and recognized standards of quality and strength, when in fact said article was not such standard ginger extract, but was a highly dilute solution of inferior quality and strength, composed of alcohol and the alcohol-soluble matters from ginger in small, inconsiderable and insufficient quantities. Misbranding was further alleged for the reason that the label bore a statement regarding said article and the ingredients and substances contained therein which said statement, to wit, "Ginger Extract," was then and there misleading and deceptive, in that said statement purported and represented said article to be genuine and standard "Ginger Extract," as that product is known, understood, and recognized by the trade, the public generally, and the Standard of Purity for Food Products, established in accordance with law; Whereas, said statement was untrue and false. Adulteration of the peppermint essence was alleged for the reason that another substance, to wit, a dilute solution of alcohol, containing only a mere trace of the oil of peppermint, the whole having added thereto an artificial coloring matter, had been substituted wholly for said article, represented as peppermint essence. Adulteration was further alleged for the reason that said dilute solution of alcohol contained only a mere trace of oil of peppermint and having added thereto said artificial coloring matter, had been mixed and packed with said article so as to reduce and lower and injuriously affect the quality and strength of the same; also, because said product was artificially colored in a manner whereby its inferiority was concealed. Misbranding of the said peppermint essence was alleged for the reason that said article was labeled so as to deceive and mislead the purchaser thereof, in that said label was calculated and intended to and did create the impression and belief in the mind of the purchaser thereof that said article "Peppermint Essence" conformed

to the known and recognized standards of strength, when in fact said article was not such standard peppermint essence, but was a highly dilute solution of inferior quality and strength, composed of alcohol and only a mere trace of the oil of peppermint. Misbranding was further alleged because the label on said article bore a statement regarding it and the ingredients and substances contained therein, which said statement to wit, "Distilled Peppermint Essence," was false, misleading, and deceptive, in that said statement purported and represented the said article to be genuine and standard peppermint essence, as that product is understood, known, and recognized by the trade, the public generally, and the Standards of Purity for Food Products, established in accordance with law, when in fact said statement was untrue and false.

On January 31, 1912, the defendant entered a plea of guilty and the court imposed a fine of \$25 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., February 28, 1912.

1422



